

State of Iowa

Iowa

Administrative

Code

Supplement

Biweekly
July 25, 2012



STEPHANIE A. HOFF
ADMINISTRATIVE CODE EDITOR

Published by the
STATE OF IOWA
UNDER AUTHORITY OF IOWA CODE SECTION 17A.6

The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code section 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay imposed by the ARRC pursuant to section 17A.4(7) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(8); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.

INSTRUCTIONS

FOR UPDATING THE

IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone (515)281-3355 or (515)242-6873

Agriculture and Land Stewardship Department[21]

Replace Analysis
Replace Chapter 61
Replace Chapters 64 and 65

Soil Conservation Division[27]

Replace Chapter 10

Landscape Architectural Examining Board[193D]

Replace Chapters 1 and 2

Professional Licensure Division[645]

Replace Analysis
Replace Chapter 44
Replace Chapter 206
Replace Chapter 209

Medicine Board[653]

Replace Chapters 9 to 11

Public Safety Department[661]

Replace Analysis
Replace Reserved Chapters 92 to 94 with Reserved Chapter 92
Insert Chapter 93 and Reserved Chapter 94
Replace Chapter 95
Replace Chapter 150
Replace Chapters 156 and 157

Workers' Compensation Division[876]

Replace Chapter 8

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

[Created by 1986 Iowa Acts, chapter 1245]
[Prior to 7/27/88, Agriculture Department[30]]
Rules under this Department “umbrella” also include
Agricultural Development Authority[25] and Soil Conservation Division[27]

CHAPTER 1 ADMINISTRATION

- 1.1(159) Organization
- 1.2(159) Consumer protection and industry services division
- 1.3(159) Administration division
- 1.4(159) Soil conservation division
- 1.5(159) Food safety and animal health

CHAPTER 2 CONTESTED CASE PROCEEDINGS AND PRACTICE (Uniform Rules)

- 2.1(17A,159) Scope and applicability
- 2.2(17A,159) Definitions
- 2.3(17A,159) Time requirements
- 2.4(17A,159) Requests for contested case proceeding
- 2.5(17A,159) Notice of hearing
- 2.6(17A,159) Presiding officer
- 2.12(17A,159) Service and filing of pleadings and other papers
- 2.15(17A,159) Motions
- 2.16(17A,159) Prehearing conference
- 2.17(17A,159) Continuances
- 2.22(17A,159) Default
- 2.23(17A,159) Ex parte communication
- 2.24(17A,159) Recording costs
- 2.25(17A,159) Interlocutory appeals
- 2.26(17A,159) Final decision
- 2.27(17A,159) Appeals and review
- 2.28(17A,159) Applications for rehearing
- 2.29(17A,159) Stays of agency action

CHAPTER 3 PETITIONS FOR RULE MAKING (Uniform Rules)

- 3.1(17A) Petition for rule making
- 3.3(17A) Inquiries
- 3.5(17A) Petitions for related entities

CHAPTER 4 DECLARATORY ORDERS (Uniform Rules)

- 4.1(17A,159) Petition for declaratory order
- 4.2(17A,159) Notice of petition
- 4.3(17A,159) Intervention
- 4.4(17A,159) Briefs
- 4.5(17A,159) Inquiries
- 4.6(17A,159) Service and filing of petitions and other papers
- 4.7(17A,159) Consideration

- 4.8(17A,159) Action on petition
- 4.9(17A,159) Refusal to issue order
- 4.12(17A,159) Effect of a declaratory order

CHAPTER 5 AGENCY PROCEDURE FOR RULE MAKING (Uniform Rules)

- 5.1(17A,159) Applicability
- 5.3(17A,159) Public rule-making docket
- 5.4(17A,159) Notice of proposed rule making
- 5.5(17A,159) Public participation
- 5.6(17A,159) Regulatory analysis
- 5.10(17A,159) Exemptions from public rule-making procedures
- 5.11(17A,159) Concise statement of reasons
- 5.13(17A,159) Agency rule-making record

CHAPTER 6 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES (Uniform Rules)

- 6.1(17A,22) Definitions
- 6.3(17A,22) Requests for access to records
- 6.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
- 6.9(17A,22) Disclosures without the consent of the subject
- 6.10(17A,22) Routine use
- 6.11(17A,22) Consensual disclosure of confidential records
- 6.12(17A,22) Release to subject
- 6.13(17A,22) Availability of records
- 6.14(17A,22) Personally identifiable information
- 6.15(17A,22) Other groups of records
- 6.16(17A,22) Data processing systems
- 6.17(159,252J,272D) Release of confidential licensing information for collection purposes

CHAPTER 7 COLLECTION PROCEDURES

- 7.1(159,252J,272D) Licensing actions
- 7.2(159,252J,272D) Collection procedures

CHAPTER 8 WAIVER OR VARIANCE OF RULES

- 8.1(17A,159) Definition
- 8.2(17A,159) Scope of chapter
- 8.3(17A,159) Applicability
- 8.4(17A,159) Criteria for waiver or variance
- 8.5(17A,159) Filing of petition
- 8.6(17A,159) Content of petition
- 8.7(17A,159) Additional information
- 8.8(17A,159) Notice
- 8.9(17A,159) Hearing procedures
- 8.10(17A,159) Ruling
- 8.11(17A,159) Public availability
- 8.12(17A,159) Summary reports
- 8.13(17A,159) Cancellation of a waiver
- 8.14(17A,159) Violations

- 8.15(17A,159) Defense
- 8.16(17A,159) Judicial review

CHAPTERS 9 to 11

Reserved

CHAPTER 12

RENEWABLE FUELS AND COPRODUCTS

- 12.1(159A) Purpose
- 12.2(159A) Definitions
- 12.3(159A) General provisions
- 12.4(159A) Renewable fuels motor vehicle fuels decals

CHAPTER 13

RENEWABLE FUEL INFRASTRUCTURE BOARD—ORGANIZATION

- 13.1(84GA,SF531) Definitions
- 13.2(84GA,SF531) Renewable fuel infrastructure board

CHAPTER 14

RENEWABLE FUEL INFRASTRUCTURE PROGRAM FOR
RETAIL MOTOR FUEL SITES

- 14.1(84GA,SF531) Purpose
- 14.2(84GA,SF531) Eligible applicants

CHAPTER 15

RENEWABLE FUEL INFRASTRUCTURE PROGRAM FOR
BIODIESEL TERMINAL GRANTS

- 15.1(84GA,SF531) Purpose
- 15.2(84GA,SF531) Eligible applicants

CHAPTER 16

RENEWABLE FUEL INFRASTRUCTURE PROGRAM ADMINISTRATION

- 16.1(84GA,SF531) Allocation of awards by congressional district
- 16.2(84GA,SF531) Form of award available; award amount
- 16.3(84GA,SF531) Application process
- 16.4(84GA,SF531) Review process
- 16.5(84GA,SF531) Contract administration

CHAPTERS 17 to 19

Reserved

CHAPTER 20

REFERENDUM

- 20.1(159) Purpose
- 20.2(159) Definitions
- 20.3(159) Voter eligibility
- 20.4(159) Referendum methods and procedures
- 20.5(159) Contesting referendum results
- 20.6(159) Official certification

CHAPTER 21

Reserved

CHAPTER 22

APIARY

22.1(160)	Diseases
22.2(160)	Parasites
22.3(160)	Requirement for the sale of bees
22.4(160)	Certificate of inspection required
22.5(160)	Certificate of inspection expiration
22.6(160)	American Foulbrood treatment
22.7(160)	Varroa mite treatment
22.8(160)	Undesirable subspecies of honeybees
22.9(160)	European honeybee certification
22.10(160)	Prohibit movement of bees from designated states
22.11(160)	Inspection required for the sale of bees, comb, or used equipment

CHAPTERS 23 to 35

Reserved

CHAPTER 36

EGG HANDLERS

36.1(196)	Definitions
36.2(196)	Licensing
36.3(196)	Minimum sanitation and operating requirements
36.4(196)	Egg grading or candling area
36.5(196)	Water supply
36.6(196)	Egg storage
36.7(196)	Eggs used in food preparation
36.8(196)	Labeling and packaging
36.9(196)	Restricted eggs
36.10(196)	Inspections and records
36.11(196)	Enforcement
36.12(196)	Health and hygiene of personnel
36.13(196)	Iowa grades

CHAPTERS 37 to 39

Reserved

CHAPTER 40

AGRICULTURAL SEEDS

40.1(199)	Agricultural seeds
40.2(199)	Seed testing
40.3(199)	Labeling
40.4 and 40.5	Reserved
40.6(199)	Classes and sources of certified seed
40.7(199)	Labeling of seeds with secondary noxious weeds
40.8(199)	Germination standards for vegetable seeds
40.9(199)	White sweet clover
40.10(199)	Labeling of conditioned seed distributed to wholesalers
40.11(199)	Seeds for sprouting
40.12(199)	Relabeling
40.13(199)	Hermetically sealed seed
40.14(199)	Certification of seed and potatoes
40.15(199)	Federal regulations adopted

CHAPTER 41
COMMERCIAL FEED

41.1(198)	Definitions and terms
41.2(198)	Label format
41.3(198)	Label information
41.4(198)	Expression of guarantees
41.5(198)	Suitability
41.6(198)	Ingredients
41.7(198)	Directions for use and precautionary statements
41.8(198)	Nonprotein nitrogen
41.9(198)	Drug and feed additives
41.10(198)	Adulterants
41.11(198)	Good manufacturing practices
41.12(198)	Cottonseed product control

CHAPTER 42
PET FOOD

42.1(198)	Definitions and terms
42.2(198)	Label format and labeling
42.3(198)	Brand and product names
42.4(198)	Expression of guarantees
42.5(198)	Ingredients
42.6(198)	Drugs and pet food additives
42.7(198)	Statements of calorie content
42.8(198)	Descriptive terms

CHAPTER 43
FERTILIZERS AND AGRICULTURAL LIME

43.1(200)	Additional plant food elements besides N, P and K
43.2(200)	Warning required
43.3(200)	Specialty fertilizer labels
43.4(200)	Pesticides in fertilizers
43.5(200)	Cancellation or suspension of registration or license
43.6(200)	Standard for the storage and handling of anhydrous ammonia
43.7(200)	Groundwater protection fee
43.8 to 43.19	Reserved
43.20(201)	Agricultural lime
43.21(200)	Minimum requirements for registration of fertilizer and soil conditioners
43.22(200)	Provisional product registration
43.23(200)	Review of product registrations
43.24(200)	Product claims
43.25 to 43.29	Reserved
43.30(201A)	Definitions
43.31(201A)	Determination of ECCE
43.32(201A)	Sample procedure
43.33(201A)	Sample analysis
43.34(201A)	Sample fee
43.35(201A)	Certification
43.36(201A)	Compliance with certification
43.37(201A)	Labeling
43.38(201A)	Toxic materials prohibited

- 43.39(201A) Added materials
- 43.40(201A) Egg shells

CHAPTER 44
ON-SITE CONTAINMENT
OF PESTICIDES, FERTILIZERS AND SOIL CONDITIONERS

PESTICIDES

- 44.1(206) Definitions
- 44.2(206) On-site containment of pesticides
- 44.3(206) Design plans and specifications
- 44.4(206) Certification of construction
- 44.5(206) New pesticide storage and mixing site location
- 44.6(206) Pesticide storage and mixing site
- 44.7(206) Secondary containment for nonmobile bulk pesticide storage and mixing
- 44.8(206) Pesticide storage and mixing site containers
- 44.9(206) Transportation of bulk pesticides
- 44.10(206) Mixing, repackaging and transfer of pesticides
- 44.11(206) Distribution of bulk pesticides
- 44.12(206) Secondary containment for aerial applicator aircraft
- 44.13 to 44.49 Reserved

FERTILIZERS AND SOIL CONDITIONERS

- 44.50(200) On-site containment of fertilizers and soil conditioners
- 44.51(200) Definitions
- 44.52(200) Design plans and specifications
- 44.53(200) New fertilizer or soil conditioner storage site location
- 44.54(200) Certification of construction
- 44.55(200) Secondary containment for liquid fertilizers and liquid soil conditioner storage
- 44.56(200) Secondary containment for nonliquid fertilizers and soil conditioners
- 44.57(200) Fertilizer loading, unloading, and mixing area
- 44.58(200) Wash water and rinsates

CHAPTER 45
PESTICIDES

DIVISION I

- 45.1(206) Definitions and standards
- 45.2(206) Methods of analysis
- 45.3(206) Registration required
- 45.4(206) Registration of products
- 45.5(206) Registration, general application of
- 45.6(206) Revocation, suspension or denial of registration
- 45.7(206) Changes in labeling or ingredient statement
- 45.8(206) Label requirements
- 45.9(206) Directions for use—when necessary
- 45.10(206) Other claims
- 45.11(206) Name of product
- 45.12(206) Brand names, duplication of, or infringement on
- 45.13(206) Ingredient statement
- 45.14(206) Net contents
- 45.15(206) Coloration of highly toxic materials
- 45.16(206) Illegal acts
- 45.17(206) Guarantee of pesticide

45.18(206)	Shipments for experimental use
45.19(206)	Enforcement
45.20(206)	Hazardous rodenticides
45.21(206)	Highly toxic
45.22(206)	License and certification standards for pesticide applicators
45.23(206)	Sale or possession of thallium
45.24(206)	Warning, caution and antidote statements
45.25(206)	Declaration of pests
45.26(206)	Record-keeping requirements
45.27(206)	Use of high volatile esters
45.28(206)	Emergency single purchase/single use of restricted pesticide
45.29(206)	Application of general use pesticide by nonlicensed commercial applicator
45.30(206)	Restricted use pesticides classified
45.31(206)	Application of pesticides toxic to bees
45.32(206)	Use of DDT and DDD
45.33(206)	Use of inorganic arsenic
45.34(206)	Use of heptachlor
45.35(206)	Use of lindane
45.36(206)	Reports of livestock poisoning
45.37(206)	Approval of use of inorganic arsenic formulation
45.38 to 45.44	Reserved
45.45(206)	Ethylene dibromide (EDB) residue levels in food
45.46(206)	Use of pesticide Command 6EC
45.47(206)	Reporting of pesticide sales
45.48(206)	Dealer license fees
45.49(206)	Pesticide use recommendations
45.50(206)	Notification requirements for urban pesticide applications
45.51(206)	Restrictions on the distribution and use of pesticides containing the active ingredient atrazine or any combination of active ingredients including atrazine
45.52(206)	Continuing instructional courses for pesticide applicator recertification

DIVISION II

45.53 to 45.99	Reserved
----------------	----------

DIVISION III
CIVIL PENALTIES

45.100(206)	Definitions
45.101(206)	Commercial pesticide applicator peer review panel
45.102(206)	Civil penalties—establishment, assessment, and collection
45.103(206)	Review period
45.104(206)	Review by peer review panel
45.105(206)	Response by peer review panel

CHAPTER 46
CROP PESTS

46.1(177A)	Nursery stock
46.2(177A)	Hardy
46.3(177A)	Person
46.4(177A)	Nursery growers
46.5(177A)	Nursery
46.6(177A)	Nursery dealer
46.7(177A)	Out-of-state nursery growers and nursery dealers
46.8(177A)	Nursery inspection
46.9(177A)	Nursery dealer certificate

46.10(177A)	Proper facilities
46.11(177A)	Storage and display
46.12(177A)	Nursery stock viability qualifications
46.13(177A)	Certificates
46.14(177A)	Miscellaneous and service inspections
46.15(177A)	Insect pests and diseases
46.16(177A)	Firewood labeling

CHAPTER 47

IOWA ORGANIC PROGRAM

47.1(190C)	Iowa organic program
47.2(190C)	Exempt operations
47.3(190C)	Crops
47.4(190C)	Livestock
47.5(190C)	Use of state seal
47.6(190C)	General requirements
47.7	Reserved
47.8(190C)	Certification agent

ADMINISTRATIVE

47.9(190C)	Fees
47.10(190C)	Compliance
47.11(190C)	Regional organic associations (ROAs)

CHAPTER 48

PESTICIDE ADVISORY COMMITTEE

48.1(206)	Function
48.2(206)	Staff
48.3(206)	Advisors
48.4(206)	Meetings
48.5(206)	Open records
48.6(206)	Budget
48.7(206)	Review of pesticide applicator instructional course and examination

CHAPTER 49

BULK DRY ANIMAL NUTRIENTS

49.1(200A)	Definitions
49.2(200A)	License
49.3(200A)	Registration
49.4(200A)	Additional plant elements
49.5(200A)	Distribution statement
49.6(200A)	Distribution reports
49.7(200A)	Storage of bulk dry animal nutrients
49.8(200A)	Manure management plans

CHAPTER 50

WOMEN, INFANTS, AND CHILDREN/FARMERS' MARKET NUTRITION PROGRAM AND SENIOR FARMERS' MARKET NUTRITION PROGRAM

50.1(159)	Authority and scope
50.2(159)	Severability
50.3(159)	Definitions
50.4(159)	Program description and goals
50.5(159)	Administration and agreements
50.6(159)	Distribution of benefits

- 50.7(159) Recipient responsibilities
- 50.8(159) Farmers' market, farmstand, and community supported agriculture (CSA)
authorization and priority
- 50.9(159) Vendor certification
- 50.10(159) Certified vendor obligations
- 50.11(159) Certified vendor noncompliance sanctions
- 50.12(159) Appeal
- 50.13(159) Deadlines
- 50.14(159) Discrimination complaints

CHAPTER 51

REMEDIATION OF AGRICHEMICAL SITES

- 51.1(161) Definitions
- 51.2(161) Agrichemical remediation board

CHAPTER 52

GRAPE AND WINE DEVELOPMENT FUNDING PROGRAM

- 52.1(175A) Authority and scope
- 52.2(175A) Severability
- 52.3(175A) Goals and purpose
- 52.4(175A) Definitions
- 52.5(175A) Administration
- 52.6(175A) Grape and wine development programs
- 52.7(175A) Appeal

CHAPTERS 53 to 57

Reserved

CHAPTER 58

NOXIOUS WEEDS

- 58.1(317) Definition
- 58.2(317) Purple loosestrife
- 58.3(317) Records

CHAPTER 59

Reserved

CHAPTER 60

POULTRY

- 60.1(168) Egg-type chickens, meat-type chickens, turkeys, domestic waterfowl, domestic
game birds and exhibition poultry
- 60.2(168) License for dealers of baby chicks or domestic fowls
- 60.3(163) Turkeys
- 60.4(163) Registration of exhibitions involving poultry

CHAPTER 61

DEAD ANIMAL DISPOSAL

- 61.1(167) Dead animal disposal—license
- 61.2(167) Animal disposal—persons defined
- 61.3(167) Disposing of dead animals by cooking
- 61.4(167) License fee
- 61.5(167) Certificate issuance
- 61.6(167) Filing certificate
- 61.7(167) License renewal

61.8 to 61.10	Reserved
61.11(167)	Disposal plant plans
61.12(167)	Disposal plant specifications
61.13 and 61.14	Reserved
61.15(167)	Conveyances requirements
61.16(167)	Disposal plant trucks
61.17(167)	Disposal employees
61.18(167)	Tarpaulins
61.19(167)	Disposal vehicles—disinfection
61.20 to 61.22	Reserved
61.23(167)	Rendering plant committee
61.24(167)	Rendering plant—spraying
61.25(167)	Penalty
61.26 and 61.27	Reserved
61.28(167)	Anthrax
61.29(167)	Anthrax—disposal
61.30(167)	Classical swine fever—carcasses
61.31(167)	Noncommunicable diseases—carcasses
61.32(167)	Carcass disposal—streams
61.33(167)	Improper disposal

CHAPTER 62 REGISTRATION OF IOWA-FOALED HORSES AND IOWA-WHELPED DOGS

62.1(99D)	Definitions
62.2(99D)	Iowa horse and dog breeders' fund and Iowa thoroughbred horse breeders' promotion fund
62.3(99D)	Forms
62.4(99D)	Disciplinary actions
62.5(99D)	Access to premises and records
62.6(99D)	Registration fees
62.7 to 62.9	Reserved

THOROUGHBRED DIVISION

62.10(99D)	Iowa thoroughbred stallion requirements
62.11(99D)	Notification requirements
62.12(99D)	Stallion qualification and application procedure
62.13(99D)	Application information
62.14(99D)	Breeding record—report of mares bred
62.15(99D)	Iowa-foaled horses and brood mares
62.16(99D)	Iowa-foaled horse status
62.17 to 62.19	Reserved

STANDARD BRED DIVISION

62.20(99D)	Iowa standardbred stallion requirements
62.21(99D)	Notification requirements
62.22(99D)	Stallion qualification and application procedure
62.23(99D)	Application information
62.24(99D)	Breeding record—report of mares bred
62.25(99D)	Iowa-foaled horses and brood mares
62.26(99D)	Iowa-foaled horse status
62.27 to 62.29	Reserved

QUARTER HORSE DIVISION

62.30(99D)	Iowa quarter horse stallion requirements
62.31(99D)	Notification requirements
62.32(99D)	Stallion qualification and application procedure
62.33(99D)	Application information
62.34(99D)	Breeding record—report of mares bred
62.35(99D)	Iowa-foaled horses and brood mares
62.36(99D)	Iowa-foaled horse status
62.37(99D)	Embryo transfer for Iowa-foaled status
62.38 and 62.39	Reserved

GREYHOUND DOG DIVISION

62.40(99D)	Iowa-whelped dog requirements
62.41(99D)	Procedures for registration

CHAPTER 63
BRANDING

63.1(169A)	Location of brands on livestock
63.2(169A)	Brands in conflict

CHAPTER 64
INFECTIOUS AND CONTAGIOUS DISEASES

64.1(163)	Reporting disease
64.2(163)	Disease prevention and suppression
64.3(163)	Duties of township trustees and health board
64.4(163)	“Exposed” defined
64.5(163)	Sale of vaccine
64.6(163)	“Quarantine” defined
64.7(163)	Chiefs of Iowa and U.S. animal industries to cooperate
64.8(163)	Animal blood sample collection
64.9	Reserved

GLANDERS AND FARCY CONTROL

64.10(163)	Preventing spread of glanders
64.11(163)	Disposal of diseased animal
64.12(163)	Glanders quarantine
64.13(163)	Tests for glanders and farcy
64.14	Reserved

BLACKLEG CONTROL

64.15(163)	Blackleg
64.16	Reserved

DEPARTMENT NOTIFICATION OF DISEASES

64.17(163)	Notification of chief of animal industry
64.18 to 64.22	Reserved

RABIES CONTROL

64.23(163)	Rabies—exposed animals
64.24(163)	Rabies quarantine
64.25(351)	Control and prevention of rabies
64.26 to 64.29	Reserved

SCABIES OR MANGE CONTROL

64.30(163)	Scabies or mange quarantine
64.31	Reserved

DISEASE CONTROL AT FAIRS AND EXHIBITS

- 64.32(163) State fairgrounds—disinfection of livestock quarters
- 64.33(163) County fairs—disinfection of livestock quarters
- 64.34(163) Health requirements for exhibition of livestock, poultry and birds at the state fair, district shows and exhibitions
- 64.35(163) Health requirements for exhibition of livestock, poultry and birds at exhibitions
- 64.36 and 64.37 Reserved

DISEASE CONTROL BY CONVEYANCES

- 64.38(163) Transportation companies—disinfecting livestock quarters
- 64.39(163) Livestock vehicles—disinfection
- 64.40 Reserved

INTRASTATE MOVEMENT OF LIVESTOCK

- 64.41(163) General
- 64.42(163) Veterinary inspection
- 64.43(163) Swine
- 64.44 to 64.46 Reserved

BRUCELLOSIS

- 64.47(163) Definitions as used in these rules
- 64.48 Reserved
- 64.49(163) Certified brucellosis-free herd
- 64.50(163) Restraining animals
- 64.51(163) Quarantines
- 64.52(163) Identification of bovine animals
- 64.53(163) Cleaning and disinfection
- 64.54(163) Disposal of reactors
- 64.55(163) Brucellosis tests and reports
- 64.56(163) Suspect animals designated as reactors
- 64.57(163) Indemnity not allowed
- 64.58(163) Area testing
- 64.59 to 64.62 Reserved

BOVINE BRUCELLOSIS

- 64.63(164) Back tagging in bovine brucellosis control
- 64.64(164) Fee schedule
- 64.65(163) Definitions
- 64.66 Reserved

ERADICATION OF SWINE BRUCELLOSIS

- 64.67(163A) Brucellosis test
- 64.68(163A) Veterinarians to test
- 64.69 and 64.70 Reserved
- 64.71(163A) Fee schedule
- 64.72 Reserved

ERADICATION OF BOVINE TUBERCULOSIS

- 64.73(163) Tuberculin tests classified
- 64.74(163) Acceptance of intradermic test
- 64.75(163) Adoption of intradermic test
- 64.76(163) Ophthalmic test
- 64.77(163) Tuberculin test deadline
- 64.78(163) Health certificate
- 64.79(163) Ear tags
- 64.80(163) Cattle importation

64.81(163)	Tuberculin reactors
64.82(163)	Steers—testing
64.83(163)	Female cattle—testing
64.84(163)	Certificates and test charts
64.85(163)	Slaughtering reactors
64.86(163)	Agriculture tuberculin rules
64.87(163)	“Tuberculosis-free accredited herd” defined
64.88(163)	Retesting
64.89(163)	Accredited herd
64.90(163)	Selection of cattle for tuberculin tests
64.91(163)	Identification for test
64.92(163)	Removing cattle from herd
64.93(163)	Milk
64.94(163)	Sanitary measures
64.95(163)	Interstate shipment
64.96(163)	Reactors—removal
64.97(163)	Certificate
64.98(163)	Violation of certificate
64.99(163)	Tuberculin—administration
64.100(163)	Sale of tuberculin
64.101(165)	Fee schedule
64.102 and 64.103	Reserved

CHRONIC WASTING DISEASE (CWD)

64.104(163)	Definitions
64.105(163)	Supervision of the cervid CWD surveillance identification program
64.106(163)	Surveillance procedures
64.107(163)	Official cervid tests
64.108(163)	Investigation of CWD affected animals identified through surveillance
64.109(163)	Duration of quarantine
64.110(163)	Herd plan
64.111(163)	Identification and disposal requirements
64.112(163)	Cleaning and disinfecting
64.113(163)	Methods for obtaining certified CWD cervid herd status
64.114(163)	Recertification of CWD cervid herds
64.115(163)	Movement into a certified CWD cervid herd
64.116(163)	Movement into a monitored CWD cervid herd
64.117(163)	Recognition of monitored CWD cervid herds
64.118(163)	Recognition of certified CWD cervid herds
64.119 to 64.132	Reserved

ERADICATION OF SWINE TUBERCULOSIS

64.133(159)	Indemnity
64.134(159)	Fee schedule
64.135 to 64.146	Reserved

PSEUDORABIES DISEASE

64.147(163,166D)	Definitions. As used in these rules:
64.148 to 64.150	Reserved
64.151(163,166D)	Quarantines
64.152(163,166D)	Nondifferentiable pseudorabies vaccine disapproved
64.153(166D)	Pseudorabies disease program areas
64.154(163,166D)	Identification
64.155(163,166D,172B)	Certificates of inspection

64.156(166D)	Noninfected herds
64.157(166D)	Herd cleanup plan for infected herds (eradication plan)
64.158(166D)	Feeder pig cooperator plan for infected herds
64.159(166D)	Herds of unknown status
64.160(166D)	Approved premises
64.161(166D)	Sales to approved premises
64.162(166D)	Certification of veterinarians to initiate approved herd cleanup plans and approved feeder pig cooperator plan agreements and fee basis
64.163(166D)	Nondifferentiable pseudorabies vaccine disapproved
64.164 to 64.169	Reserved

PARATUBERCULOSIS (JOHNE'S) DISEASE

64.170(165A)	Definitions
64.171(165A)	Supervision of the Johne's disease program
64.172(165A)	Official Johne's disease tests
64.173(165A)	Vaccination allowed
64.174(165A)	Herd plan
64.175(165A)	Identification and disposal requirements
64.176(165A)	Segregation, cleaning, and disinfecting
64.177(165A)	Intrastate movement requirements
64.178(165A)	Import requirements
64.179 to 64.184	Reserved

LOW PATHOGENIC AVIAN INFLUENZA (LPAI)

64.185(163)	Definitions
64.186(163)	Supervision of the low pathogenic avian influenza program
64.187(163)	Surveillance procedures
64.188(163)	Official LPAI tests
64.189(163)	Investigation of LPAI affected poultry identified through surveillance
64.190(163)	Duration of quarantine
64.191(163)	Flock plan
64.192(163)	Cleaning and disinfecting
64.193 to 64.199	Reserved

SCRAPIE DISEASE

64.200(163)	Definitions
64.201(163)	Supervision of the scrapie eradication program
64.202(163)	Identification
64.203(163)	Restrictions on the removal of official identification
64.204(163)	Records
64.205(163)	Responsibility of persons handling animals in commerce to ensure the official identification of animals
64.206(163)	Veterinarian's responsibilities when identifying sheep or goats
64.207(163)	Flock plans
64.208(163)	Certificates of Veterinary Inspection
64.209(163)	Requirements for shows and sales
64.210(163)	Movement restrictions for animals and flocks
64.211(163)	Approved terminal feedlots

CHAPTER 65

ANIMAL AND LIVESTOCK IMPORTATION

65.1(163)	Definitions
65.2(163)	Pre-entry permits
65.3(163)	General requirements and limitations

65.4(163)	Cattle and bison
65.5(163,166D)	Swine
65.6(163)	Goats
65.7(163)	Sheep
65.8(163)	Equine
65.9(163)	Cervidae
65.10(163)	Dogs and cats
65.11(163)	Poultry, domestic fowl, and hatching eggs
65.12(163)	Swine production health plan (SPHP)
65.13(163)	Penalties

CHAPTER 66 LIVESTOCK MOVEMENT

66.1(163)	Definitions and permits
66.2(163)	Animal health sanitation and record-keeping requirements
66.3(163)	Duties and responsibilities of the livestock market management
66.4(163)	Duties and responsibilities of the livestock market veterinary inspector
66.5(163)	Classification of livestock markets and permitholders
66.6(163)	Requirements for state-federal (specifically) approved markets
66.7(163)	Requirements for sale of all bovine animals
66.8(163)	Testing
66.9(163)	Order of sale through auction markets
66.10(163)	Releasing cattle
66.11(163,172B)	Movement of livestock within the state
66.12(189,189A)	Movement of food-producing animals and their products into the state
66.13(163,202C)	Feeder pig dealer bonding/letter of credit requirement and claims procedures
66.14(163)	Intrastate movement requirements
66.15 to 66.19	Reserved
66.20(163)	Revocation or denial of permit

CHAPTER 67 ANIMAL WELFARE

67.1(162)	Animals included in rules
67.2(162)	Housing facilities and primary enclosures
67.3(162)	General care and husbandry standards
67.4(162)	Transportation
67.5(162)	Purchase, sale, trade and adoption
67.6(162)	Public health
67.7(162)	Kennels, shelters and other facilities—access, seizure and impoundment
67.8(162)	Applicability to commercial establishments with federal licenses
67.9(162)	Acceptable forms of euthanasia
67.10(162)	Loss of license or denial of license
67.11(162)	Dog day care
67.12(162)	Fostering oversight organizations and foster care homes
67.13(162)	Greyhound breeder or farm fee

CHAPTER 68 DAIRY

68.1(192,194)	Definitions
68.2(192)	Licenses and permits required
68.3	Reserved
68.4(192)	Certification of personnel
68.5(190,192,194)	Milk tests

68.6(190,192,194)	Test bottles
68.7 and 68.8	Reserved
68.9(192,194)	Tester's license
68.10(192,194)	Contaminating activities prohibited in milk plants
68.11(192,194)	Suspension of dairy farm permits

GRADE A MILK

68.12(192)	Milk standards
68.13(192,194)	Public health service requirements
68.14(190,192,194,195)	Laboratories

GRADE B MILK

68.15(192,194)	Milk standards
68.16(194)	Legal milk
68.17(194)	New producers
68.18(194)	Testing and exclusion of Class III milk
68.19(194)	Unlawful milk
68.20(194)	Price differential
68.21(194)	Penalties for plants and producers
68.22(192,194)	Farm requirements for milk for manufacturing
68.23 to 68.25	Reserved
68.26(190,192,194)	Tests for abnormal milk
68.27(192,194)	Standards for performing farm inspections

DAIRY FARM WATER

68.28 to 68.34	Reserved
68.35(192)	Dairy farm water supply
68.36(192)	Antibiotic testing
68.37(192,194)	Milk truck approaches
68.38 and 68.39	Reserved

MILK TANKER, MILK HAULER, MILK GRADER, CAN MILK TRUCK BODY

68.40(192)	Definitions
68.41(192)	Bulk milk tanker license required
68.42(192)	Bulk milk tanker construction
68.43(192)	Bulk milk tanker cleaning and maintenance
68.44(192)	Bulk tanker sanitization
68.45(192)	Bulk milk tanker cleaning facility
68.46(192)	Bulk milk tanker cleaning tag
68.47(192)	Dairy plant, receiving station or transfer station records
68.48(192)	Milk hauler license required
68.49(192)	New milk hauler license applicant
68.50(192)	Supplies required for milk collection and sampling
68.51(192)	Milk hauler sanitization
68.52(192)	Examining milk by sight and smell
68.53(192)	Milk hauler hand washing
68.54(192)	Milk temperature
68.55(192)	Connecting the milk hose
68.56(192)	Measuring the milk in the bulk tank
68.57(192)	Milk sample for testing
68.58(192)	Milk collection record
68.59(192)	Loading the milk from the bulk tank to the milk tanker
68.60(192)	Milk samples required for testing
68.61(192)	Bulk milk sampling procedures

68.62(192)	Temperature control sample
68.63(192)	Producer sample identification
68.64(192)	Care and delivery of producer milk samples
68.65(192)	Milk sample carrying case
68.66(192)	Bulk milk delivery
68.67(192)	False samples or records
68.68(192)	Violations prompting immediate suspension
68.69(192)	Milk grader license required
68.70(192)	New milk grader license applicant
68.71(192,194)	Can milk truck body

CHAPTER 69

MILK ROOM AND BULK TANKS FOR MANUFACTURING MILK

69.1(192)	Milk room
69.2(192)	Drainage
69.3(192)	Walls and ceilings
69.4(192)	Milk room windows
69.5(192)	Doors
69.6(192)	Ventilation
69.7(192)	Bulk tank location
69.8(192)	Hose port
69.9(192)	Safety regulations
69.10(192)	Properly located tank

CHAPTER 70

Reserved

CHAPTER 71

STANDARDS FOR DAIRY PRODUCTS

71.1(190)	Dairy products
71.2(189,210)	Requirements for packaging and labeling
71.3(210)	Requirements for the method of sale of commodities
71.4(210)	Requirements for unit pricing
71.5(189,190)	Flavors
71.6(190)	Standard for light butter

CHAPTERS 72 to 75

Reserved

CHAPTER 76

MEAT AND POULTRY INSPECTION

76.1(189A)	Federal Wholesome Meat Act regulations adopted
76.2(189A)	Federal Wholesome Meat Act regulations adopted
76.3(189A)	Federal Poultry Products Inspection Act regulations adopted
76.4(189A)	Inspection required
76.5(189A)	Custom/exempt facilities sanitation standard operating procedures
76.6(189A)	Forms and marks
76.7(189A,167)	Registration
76.8(189A,167)	Dead, dying, disabled or diseased animals
76.9(189A)	Denaturing and identification of livestock or poultry products not intended for use as human food
76.10(189A,167)	Transportation of decharacterized inedible meat or carcass parts
76.11(189A)	Records

- 76.12 Reserved
- 76.13(189A) Voluntary inspections of exotic animals
- 76.14(189A) Federal Wholesome Meat Act regulations adopted for the regulation of farm deer

CHAPTER 77

DANGEROUS WILD ANIMALS

- 77.1(82GA,SF564,SF601) Definitions
- 77.2(82GA,SF564,SF601) Prohibitions
- 77.3(82GA,SF564,SF601) Continued ownership—requirements of the individual
- 77.4(82GA,SF564,SF601) Continued ownership—insurance required
- 77.5(82GA,SF564,SF601) Continued ownership—electronic identification device
- 77.6(82GA,SF564,SF601) Continued ownership—registration form
- 77.7(82GA,SF564,SF601) Continued ownership—registration fee
- 77.8(82GA,SF564,SF601) Continued ownership—records required
- 77.9(82GA,SF564,SF601) Continued ownership—enclosure required
- 77.10(82GA,SF564,SF601) Continued ownership—signs required
- 77.11(82GA,SF564,SF601) Escape notification required
- 77.12(82GA,SF564,SF601) Relinquishment
- 77.13(82GA,SF564,SF601) Seizure, custody and disposal
- 77.14(82GA,SF564,SF601) Exemptions

CHAPTERS 78 to 84

Reserved

CHAPTER 85

WEIGHTS AND MEASURES

WEIGHTS

- 85.1(215) “Sensibility reciprocal” defined
- 85.2 Reserved
- 85.3(215) For vehicle, axle-load, livestock, animal, crane and railway track scales
- 85.4 Reserved
- 85.5(215) “Counter scale” defined
- 85.6(215) “Spring and computing scales” defined
- 85.7(215) “Automatic grain scale” defined
- 85.8(215) “Motor truck scales” defined
- 85.9(215) “Livestock scales” defined
- 85.10(215) “Grain dump scales” defined
- 85.11(215) Scale pit
- 85.12(215) Pitless scales
- 85.13(215) Master weights
- 85.14(215) Scale design
- 85.15(215) Weighbeams
- 85.16(215) Beam box
- 85.17 Reserved
- 85.18(215) Weight capacity
- 85.19(215) Provision for sealing coin slot
- 85.20(215) Stock racks
- 85.21(215) Lengthening of platforms
- 85.22(215) Accessibility for testing purposes
- 85.23(215) Assistance in testing operations
- 85.24(215) Beam scale
- 85.25(215) Spring scale

85.26(215) Weighbeam or beam
 85.27(215) Livestock scale

SCALES

85.28(215) Wheel-load weighers and axle-load scales
 85.29 to 85.32 Reserved

MEASURES

85.33(214A,208A) Motor fuel and antifreeze tests and standards
 85.34(215) Tolerances on petroleum products measuring devices
 85.35(215) Meter adjustment
 85.36(215) Recording elements
 85.37(215) Air eliminator
 85.38(215) Delivery outlets
 85.39(189,215) Weights and measures
 85.40(215) Inspection tag or mark
 85.41(215) Meter repair
 85.42(215) Security seal
 85.43(215) LP-gas meter repairs
 85.44(215) LP-gas delivery
 85.45(215) LP-gas meter registration
 85.46(215) Reporting new LP-gas meters
 85.47 Reserved
 85.48(214A,215) Advertisement of the price of liquid petroleum products for retail use
 85.49(214A,215) Gallonage determination for retail sales
 85.50(214,214A,215) Blender pumps
 85.51 Reserved

MOISTURE-MEASURING DEVICES

85.52(215A) Testing devices
 85.53(215A) Rejecting devices
 85.54(215,215A) Specifications and standards for moisture-measuring devices
 85.55 and 85.56 Reserved
 85.57(215) Testing high-moisture grain
 85.58 to 85.62 Reserved

HOPPER SCALES

85.63(215) Hopper scales

CHAPTERS 86 to 89

Reserved

CHAPTER 90

STATE LICENSED WAREHOUSES AND WAREHOUSE OPERATORS

90.1(203C) Application of rules
 90.2(203C) Definitions
 90.3(203C) Types of products to be warehoused
 90.4(203C,203D) Application for a warehouse operator license
 90.5(203C) Warehouse operator license
 90.6(203C) Posting of license
 90.7(203C) Renewal, expiration and reinstatement of license—payment of license fee
 90.8(203C) Financial statements
 90.9(203C) Bonds and irrevocable letters of credit
 90.10(203C) Insurance

90.11(203C)	Notice to the warehouse bureau
90.12(203C)	Issuance of warehouse receipts
90.13(203C)	Cancellation of warehouse receipts
90.14(203C)	Lost or destroyed receipt
90.15(203C)	Warehouse receipts
90.16(203C)	Tariffs
90.17(203C)	Records
90.18(203C)	Adjustment of records
90.19(203C)	Shrinkage due to moisture
90.20(203C)	Monthly grain statements
90.21(203C)	Grain stored in another warehouse
90.22(203C)	Warehouse operator's obligation and storage
90.23(203C)	Storing of products
90.24(203C)	Facilities
90.25(203C)	Maintenance of storage facilities
90.26(203C)	Temporary grain storage facilities
90.27(203C)	Emergency ground pile storage space
90.28(203C)	Polyethylene (polyvinyl) bag storage space
90.29(203C)	Prioritization of inspections of warehouse operators
90.30(203C)	Department of agriculture and land stewardship enforcement procedures
90.31(203C)	Review proceedings

CHAPTER 91

LICENSED GRAIN DEALERS

91.1(203)	Application of rules
91.2(203)	Definitions
91.3(203,203D)	Application for a grain dealer license
91.4(203)	Grain dealer license not transferable
91.5(203)	Posting of license
91.6(203)	Surrender of license
91.7(203)	Renewal, expiration and reinstatement of license—payment of license and indemnity fund fees
91.8(203)	Financial statements
91.9(203)	Bonds and irrevocable letters of credit
91.10(203)	Payment
91.11(203)	Books and records
91.12(203)	Assignment of contracts
91.13(203)	Filing of monthly grain statement and reports
91.14(203)	Notice to the warehouse bureau
91.15(203)	Shrinkage due to moisture
91.16(203)	Requirements for Class 2 licensees
91.17(203)	Requirements for licensees authorized to issue credit-sale contracts
91.18(203)	Department of agriculture and land stewardship enforcement procedures
91.19(203)	Review proceedings
91.20(203)	Prioritization of inspections of grain dealers
91.21(203)	Claims against credit-sale contract bond
91.22(203)	Electronic grain contracts
91.23(203)	Electronic grain contract providers and provider agreements
91.24(203)	Electronic grain contract users and user agreements
91.25(203)	Electronic grain contracts—issuance and form
91.26(203)	Security of a provider's electronic central filing system or a licensee's electronic database

CHAPTER 92

PARTICIPATION IN GRAIN INDEMNITY FUND

92.1(203D)	Mandatory participation in fund
92.2(203D)	Required fees
92.3(203D)	New license applicants
92.4(203D)	Due date for payment of the per-bushel and participation fees
92.5(203D)	Penalty for delinquent submission of per-bushel and participation fees
92.6(203D)	Penalty for delinquent payment of per-bushel fee discovered during examination

CHAPTER 93

GRAIN INDEMNITY FUND BOARD—ORGANIZATION AND OPERATIONS

93.1(203D)	Location
93.2(203D)	The board
93.3(203D)	Authority of the board
93.4(203D)	Meetings
93.5(203D)	Minutes
93.6(203D)	Board decisions
93.7(203D)	Records
93.8(203D)	Waiver of per-bushel and participation fees

CHAPTER 94

CLAIMS AGAINST THE GRAIN DEPOSITORS
AND SELLERS INDEMNITY FUND

94.1(203D)	Definitions
94.2(203D)	By whom claims can be made
94.3(203D)	Procedure for filing claims
94.4(203D)	Time limitations
94.5(203D)	Claims by depositors where bureau is receiver
94.6(203D)	Notice of claims
94.7(203D)	Report by bureau
94.8(203D)	Determination of claims
94.9(203D)	Appeal from determination
94.10(203D)	Payment of valid claims—conflicting interests

CHAPTER 95

CIVIL PENALTIES

95.1(203,203C)	Definitions
95.2(203,203C)	Grain industry peer review panel
95.3(203,203C)	Organization and location
95.4(203,203C)	Membership
95.5(203,203C)	Staff
95.6(203,203C)	Meetings
95.7(203,203C)	Criteria for assessing civil penalties
95.8(203,203C)	Notice of civil penalty assessment—informal settlement
95.9(203,203C)	Panel review
95.10(203,203C)	Scope of panel review
95.11(203,203C)	Panel response
95.12(203,203C)	Civil penalty assessment
95.13(203,203C)	Judicial assessment
95.14(203,203C)	Civil penalty payment

CHAPTER 61
DEAD ANIMAL DISPOSAL

[Prior to 7/27/88, see Agriculture Department 30—Ch 12]

21—61.1(167) Dead animal disposal—license. No person, firm or corporation shall engage in the business of disposing of the bodies of dead animals without first obtaining a license to do so in the manner and upon the terms and conditions provided in Iowa Code chapter 167.

This rule is intended to implement Iowa Code section 167.2.

21—61.2(167) Animal disposal—persons defined. Any person who shall obtain from any other person the body of any animal for the purpose of obtaining the hide, skin or grease from such animal in any way whatsoever shall be deemed to be engaged in the business of disposing of dead animals.

This rule is intended to implement Iowa Code section 167.3.

21—61.3(167) Disposing of dead animals by cooking. Any person desiring to engage in the business of disposing of the bodies of dead animals by cooking or otherwise shall file with the department of agriculture and land stewardship of the state of Iowa an application for license.

This rule is intended to implement Iowa Code section 167.2.

21—61.4(167) License fee. Such applicant shall, upon filing such application, pay to the department of agriculture and land stewardship the sum of \$100.

This rule is intended to implement Iowa Code section 167.4.

21—61.5(167) Certificate issuance. If the secretary of agriculture shall find that such applicant is a responsible and reliable person and capable of conducting properly such business, and that the place where such business is to be conducted is a suitable and sanitary place, the secretary shall issue to such applicant a certificate to that effect.

This rule is intended to implement Iowa Code section 167.5.

21—61.6(167) Filing certificate. Such applicant shall file such certificate with the department of agriculture and land stewardship and shall pay said department the sum of \$100 for a license to conduct such business.

This rule is intended to implement Iowa Code section 167.7.

21—61.7(167) License renewal. Every person operating under a license issued by the department of agriculture and land stewardship shall pay, annually, for the renewal of such license the sum of \$100.

This rule is intended to implement Iowa Code section 167.10.

21—61.8 to 61.10 Reserved.

21—61.11(167) Disposal plant plans. Plans of disposal plant, either in blueprint or detail drawing shall be filed with the Iowa department of agriculture and land stewardship. All tanks, vats, pipes, drains, valves, etc., shall be shown in detail. A separate drawing or blueprint of the covered or underground portion of the construction shall be included with these plans. Any alteration in construction that is to be made shall be approved by the department before construction is undertaken.

This rule is intended to implement Iowa Code section 167.11.

21—61.12(167) Disposal plant specifications. No place shall be deemed suitable or sanitary for disposing of the bodies of dead animals unless it conforms to the following specifications:

61.12(1) The building must be provided with concrete or cement floors or some other nonabsorbent material and provided with good drainage and be thoroughly sanitary.

61.12(2) All cooking vats or tanks shall be airtight; except where proper escapes or vents are required for live steam used in cooking.

61.12(3) Steam shall be so disposed of as not to cause unnecessary annoyance or create a nuisance.

61.12(4) Such place shall be so situated, arranged and conducted as not to interfere with the comfortable enjoyment of life and property of the citizens of this state.

61.12(5) No liquid wastes, either from the process or from washings, shall be discharged into any stream, watercourse or on the surface of the ground.

61.12(6) All sewage from washing of floors, wagons, trucks, and all liquid wastes from the rendering process shall be disposed of by:

- a. Evaporation.
- b. Sterilized by boiling.
- c. Through a series of septic tanks proven adequate to handle and render nonpathogenic the quantity of material discharged at maximum capacity of the plant. The disposal plan for carrying out the above process shall be submitted to the department for approval before it is installed.

This rule is intended to implement Iowa Code sections 167.11 and 167.12.

21—61.13 and 61.14 Reserved.

21—61.15(167) Conveyances requirements. Conveyances for transporting carcasses of animals must be provided with watertight bed or tank not less than 24 inches in depth; all metal or metal-lined and watertight at least 4 inches above the general level of the bottom of box or bed; endgate to be of metal or metal-lined, hinged at the bottom of box or bed and fastened firmly at top when closed; endgate to be provided with an effect on the inside to fit snugly over the end of the bed.

This rule is intended to implement Iowa Code section 167.15.

21—61.16(167) Disposal plant trucks. All trucks used for transporting carcasses of dead animals on the highways must be owned and operated by a licensed disposal plant, except as provided for in rule 21—64.104(167). The name and address and license number of the plant shall be painted on both sides of the truck in letters not less than four inches high and in a color in definite contrast to the body color of the truck.

This rule is intended to implement Iowa Code section 167.15.

21—61.17(167) Disposal employees. In cases where licensed disposal plants have employees operating trucks in other cities or towns, they must operate under the name of the licensed disposal plant by which they are employed, and this applies to all advertisements and listings.

This rule is intended to implement Iowa Code section 167.15.

21—61.18(167) Tarpaulins. No disposal plant truck shall be moved on the highway without having a tarpaulin which is adequate to cover the bed of the truck and anything contained therein. If any carcass is contained in the truck or the truck has not been thoroughly cleaned, such tarpaulin must be in place covering the bed of the truck and its contents. Such tarpaulin must have no holes through which flies can pass.

This rule is intended to implement Iowa Code section 167.15.

21—61.19(167) Disposal vehicles—disinfection. Whenever a vehicle or person in charge thereof has been upon any premises for the purpose of removing the carcass of any animal, or where animals are dead or dying, before such vehicle can be taken upon a public highway or upon other premises and before leaving the premises of the rendering plant on each trip the wheels of such vehicles and shoes or boots of all persons having been upon such infected premises shall be disinfected thoroughly with any disinfectant of prescribed strength recommended by the division of animal industry as a disinfectant, preferably creosol compound, three percent, or by a 1-1000 solution of bichloride of mercury. Facilities and materials for disinfection shall be carried on truck at all times.

This rule is intended to implement Iowa Code section 167.17.

21—61.20 to 61.22 Reserved.

21—61.23(167) Rendering plant committee. If a committee, composed of a member of the division of animal industry, a member of the dairy and food division and representatives of the state board of health and local board of health, after investigation finds that the location or management of any rendering plant interferes with the health, comfort and enjoyment of life or property, the department will consider such finding sufficient grounds for the withholding or suspending of a license.

This rule is intended to implement Iowa Code sections 167.8 and 167.13.

21—61.24(167) Rendering plant—spraying. It will be necessary for the management of each rendering or processing plant to spray the inside of each building, including the doors, windows and screens, as well as all trucks used in transporting the bodies of dead animals, with an approved and effective fly control agent every 30 days beginning the first of April and continuing through the month of October.

This rule is intended to implement Iowa Code section 167.13.

21—61.25(167) Penalty. See Iowa Code section 167.19.

This rule is intended to implement Iowa Code section 167.19.

21—61.26 and 61.27 Reserved.

21—61.28(167) Anthrax. The carcass of no animal which dies or which has been killed on account of being affected with anthrax may be handled by a disposal plant. In case through error or otherwise an anthrax carcass is brought into a disposal plant, the plant and its trucks shall be placed under quarantine immediately on the premises of the disposal plant. And said quarantine shall remain in effect until such cleaning and sterilizing of the plant, equipment and any byproducts including hides that the department may deem necessary have been completed.

This rule is intended to implement Iowa Code section 167.13.

21—61.29(167) Anthrax—disposal. All carcasses of animals dead or which have been killed on account of being infected with anthrax must be burned within 24 hours intact without removal of the hide, together with all contaminated flooring, mangers, feed racks, watering troughs, buckets, bedding, litter, soil and utensils. In case such flooring, mangers, feed racks, watering troughs, buckets, stanchions, etc., that have been contaminated are constructed of metal and cement or other fireproof material, they shall be disinfected thoroughly with cresolis compound, U.S.P. or any reliable disinfectant recommended by the B.A.I., chief of division of animal industry or a regularly qualified veterinarian. In the event the owner neglects or refuses to make such disposition of the carcasses of animals dead from anthrax within 24 hours, as stated above, then in such cases the disposal of the same shall be handled in accordance with rule 21—61.33(167).

This rule is intended to implement Iowa Code section 167.13.

21—61.30(167) Classical swine fever—carcasses. All carcasses of hogs dead of classical swine fever must be burned within 24 hours intact, or they may be disposed of within 24 hours by the operator of a licensed rendering plant. In the event that the owner neglects or refuses to make such disposition of the carcass or carcasses of hogs dead of classical swine fever, then the disposal of same shall be handled in accordance with rule 21—61.33(167).

This rule is intended to implement Iowa Code section 166B.2.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—61.31(167) Noncommunicable diseases—carcasses. All carcasses of animals, dead from noncommunicable diseases, may be either burned within 24 hours, or such carcasses may be disposed of within 24 hours by the operator of a licensed rendering plant. In the event that the owner neglects or refuses to make such disposition of the carcass or carcasses, then the disposal of same shall be handled in accordance with rule 21—61.33(167).

This rule is intended to implement Iowa Code section 167.18.

21—61.32(167) Carcass disposal—streams. All persons are strictly forbidden to throw the carcass of any animal into any river, stream, lake or pond or bury the carcass of any animal near any stream or tile drain. Such carcasses if dead of noncommunicable disease, if not disposed of to a rendering plant, must be buried six feet below the surface of the ground, in accordance with the preceding rule.

This rule is intended to implement Iowa Code section 167.18.

21—61.33(167) Improper disposal. When the owner of any animal, dead from any cause, neglects or refuses to make proper disposition of the carcasses of such animals it shall be the duty of the township trustees or local board of health to supervise the disposal of such carcasses.

This rule is intended to implement Iowa Code section 167.13.

[Filed 11/26/57]

[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

CHAPTER 64 INFECTIOUS AND CONTAGIOUS DISEASES

[Appeared as Ch 1, 1973 IDR]

[Ch 16, IAC 7/1/75 renumbered as 11.3, 12.1 to 12.33, and 16.24 and 16.25 renumbered 16.6 and 16.7
as per written instructions from Ag. Dept. 10/11/77]

[Prior to 7/27/88, see Agriculture Department 30—Ch 16]

21—64.1(163) Reporting disease. Whenever any person or persons who shall have knowledge of the existence of any infectious or contagious disease, such disease affecting the animals within the state or resulting in exposure thereto, which may prove detrimental to the health of the animals within the state, it shall be the duty of such person or persons to report the same in writing to the State Veterinarian, Bureau of Animal Industry, Wallace State Office Building, Des Moines, Iowa 50319, who shall then take such action as deemed necessary for the suppression and prevention of such disease. The diseases as classified by the Office International Des Epizooties are included. The following named diseases are infectious or contagious and the diagnosis or suspected diagnosis of any of these diseases in animals must be reported promptly to the Iowa department of agriculture and land stewardship by the veterinarian making the diagnosis or suspected diagnosis:

64.1(1) *Multiple species diseases.*

- Anthrax
- Aujeszky's disease
- Bluetongue
- Brucellosis (*Brucella abortus*)
- Brucellosis (*Brucella melitensis*)
- Brucellosis (*Brucella suis*)
- Crimean Congo haemorrhagic fever
- Echinococcosis/hydatidosis
- Epizootic haemorrhagic disease
- Equine encephalomyelitis (Eastern)
- Foot and mouth disease
- Heartwater
- Japanese encephalitis
- John's disease
- Leptospirosis
- New world screwworm (*Cochliomyia hominivorax*)
- Old world screwworm (*Chrysomya bezziana*)
- Q fever
- Rabies
- Rift Valley fever
- Rinderpest
- Surra (*Trypanosoma evansi*)
- Trichinellosis
- Tularemia
- Vesicular stomatitis
- West Nile fever

64.1(2) *Cattle diseases.*

- Bovine anaplasmosis
- Bovine babesiosis
- Bovine genital campylobacteriosis
- Bovine spongiform encephalopathy
- Bovine tuberculosis
- Bovine viral diarrhoea
- Contagious bovine pleuropneumonia
- Enzootic bovine leukosis

- Haemorrhagic septicaemia
- Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis
- Lumpy skin disease
- Theileriosis
- Trichomonosis
- Trypanosomosis (tsetse-transmitted)

64.1(3) *Swine diseases.*

- African swine fever
- Classical swine fever
- Nipah virus encephalitis
- Porcine cysticercosis
- Porcine reproductive and respiratory syndrome
- Swine vesicular disease
- Transmissible gastroenteritis

64.1(4) *Sheep and goat diseases.*

- Caprine arthritis/encephalitis
- Contagious agalactia
- Contagious caprine pleuropneumonia
- Enzootic abortion of ewes (ovine chlamydiosis)
- Maedi-visna
- Nairobi sheep disease
- Ovine epididymitis (*Brucella ovis*)
- Peste des petits ruminants
- Salmonellosis (*S. abortusovis*)
- Scrapie
- Sheep pox and goat pox

64.1(5) *Equine diseases.*

- African horse sickness
- Contagious equine metritis
- Dourine
- Equine encephalomyelitis (Western)
- Equine infectious anaemia
- Equine influenza
- Equine piroplasmosis
- Equine rhinopneumonitis
- Equine viral arteritis
- Glanders
- Venezuelan equine encephalomyelitis

64.1(6) *Avian diseases.*

- Avian chlamydiosis
- Avian infectious bronchitis
- Avian infectious laryngotracheitis
- Avian mycoplasmosis (*M. gallisepticum*)
- Avian mycoplasmosis (*M. synoviae*)
- Duck virus hepatitis
- Fowl cholera
- Fowl typhoid
- Highly pathogenic avian influenza and low pathogenic avian influenza in poultry
- Infectious bursal disease (Gumboro disease)
- Marek's disease
- Newcastle disease
- Pullorum disease

- Turkey rhinotracheitis

64.1(7) *Lagomorph diseases.*

- Myxomatosis
- Rabbit haemorrhagic disease

64.1(8) *Fish diseases.*

- Epizootic haematopoietic necrosis
- Epizootic ulcerative syndrome
- Gyrodactylosis (*Gyrodactylus salaris*)
- Infectious haematopoietic necrosis
- Infectious salmon anaemia
- Koi herpesvirus disease
- Red sea bream iridoviral disease
- Spring viraemia of carp
- Viral haemorrhagic septicaemia

64.1(9) *Mollusc diseases.*

- Infection with abalone herpes-like virus
- Infection with *Bonamia exitiosa*
- Infection with *Bonamia ostreae*
- Infection with *Marteilia refringens*
- Infection with *Perkinsus marinus*
- Infection with *Perkinsus olseni*
- Infection with *Xenohalotis californiensis*

64.1(10) *Crustacean diseases.*

- Crayfish plague (*Aphanomyces astaci*)
- Infectious hypodermal and haematopoietic necrosis
- Infectious myonecrosis
- Taura syndrome
- White spot disease
- White tail disease
- Yellowhead disease

64.1(11) *Amphibian diseases.*

- Infection with *Batrachochytrium dendrobatidis*
- Infection with ranavirus

64.1(12) *Other diseases.*

- Camel pox
- Chronic wasting disease
- Leishmaniasis

Reporting is required for any case or suspicious case of an animal having any disease that may be caused by bioterrorism, epidemic or pandemic disease, or novel or highly fatal infectious agents or biological toxins and that might pose a substantial risk of a significant number of animal fatalities, incidents of acute short-term illness in animals, or incidents of permanent or long-term disability in animals.

This rule is intended to implement Iowa Code sections 163.1, 163.2, 189A.12, 189A.13 and 197.5. [ARC 9102B, IAB 9/22/10, effective 9/1/10; ARC 0230C, IAB 7/25/12, effective 8/29/12]

[Filed March 12, 1962]

[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]

[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 3/9/84—published 3/28/84, effective 3/9/84]

[Filed 5/4/83, Notice 3/28/84—published 5/23/84, effective 6/27/84]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed 11/27/96, Notice 10/23/96—published 12/18/96, effective 1/22/97]

[Filed 3/28/02, Notice 2/6/02—published 4/17/02, effective 5/22/02]

[Filed emergency 9/25/03 after Notice 8/20/03—published 10/15/03, effective 9/25/03]
[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10,
effective 9/1/10]

[Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

21—64.2(163) Disease prevention and suppression. Whenever the chief of division of animal industry shall have knowledge of an outbreak of any contagious, infectious or communicable disease among domestic animals in the state, the chief of the division of animal industry shall take such action as necessary for the prevention and suppression of such disease, including establishment, enforcement and maintenance of quarantines. The chief of the division of animal industry is authorized and empowered to obtain assistance of any peace officer.

This rule is intended to implement Iowa Code sections 163.1 and 163.10.

21—64.3(163) Duties of township trustees and health board. Whenever notice is given to the trustees of a township or to a local board of health that animals are suspected of being affected with or having been exposed to any contagious, infectious or communicable disease, they may impose such restrictions as deemed necessary to prevent the spread of the disease. It shall be the duty of such township trustees or local boards to immediately notify the chief of division of animal industry.

This rule is intended to implement Iowa Code section 163.17.

21—64.4(163) “Exposed” defined. An animal must be considered as “exposed” when it has stood in a stable with, or been in contact with, any animal known to be affected with a contagious, infectious or transmissible disease; or if placed in a stable, yard or other enclosure where such diseased animal or animals have been kept unless such stable, yard or other enclosure has been thoroughly cleaned and disinfected after containing animals so affected.

This rule is intended to implement Iowa Code section 163.1.

21—64.5(163) Sale of vaccine. No attenuated or live culture vaccine or virus shall be sold or offered for sale at retail except to a licensed veterinarian of this state, nor shall it be administered to any livestock or poultry except by a licensed veterinarian of the state of Iowa. This does not apply to the sale of and administration of virulent classical swine fever virus when sold to and administered by valid permit holders for its use on hogs owned by themselves on their own premises.

This rule is intended to implement Iowa Code section 163.1.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.6(163) “Quarantine” defined. The term “quarantine” shall be construed to mean the perfect isolation of all diseased or suspected animals from contact with other animals as well as the exclusion of other animals from yards, stables, enclosures or grounds where suspected or diseased animals are or have been kept.

This rule is intended to implement Iowa Code section 163.1.

21—64.7(163) Chiefs of Iowa and U.S. animal industries to cooperate. The department of agriculture and land stewardship hereby authorizes and directs the chief of division of animal industry to cooperate with the bureau of animal industry, United States Department of Agriculture, in all regulations for the prevention, control and eradication of contagious and infectious diseases among domestic animals in the state of Iowa.

This rule is intended to implement Iowa Code section 163.1.

21—64.8(163) Animal blood sample collection. Any animal slaughtered in Iowa is subject to having blood samples taken in order to determine whether the animal is infected with an infectious or contagious disease. Upon written notification from the department or from the United States Department of Agriculture, the management of a slaughter facility shall provide for or permit the collection of blood samples for testing from any animal confined at or being slaughtered at such a facility.

If the department or the United States Department of Agriculture chooses to place government employees or private contractors in the facility for the purpose of collecting the blood samples, neither the facility nor the management of the facility shall charge a fee for providing such access. In addition, the slaughter facility shall provide blood collectors access to facilities routinely available to plant employees such as rest rooms, lockers, break rooms, lunchrooms, and storage facilities to facilitate blood collection in the same manner and on the same terms as the facility provides access to the facility to meat inspectors employed by the department or the Food Safety Inspection Service of the United States Department of Agriculture.

21—64.9 Reserved.

[July 1952 IDR; File 6/3/55; Amended 3/12/62]

[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]

[Filed 1/13/84, Notice 2/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed emergency 1/28/98—published 2/25/98, effective 1/28/98]

[Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

GLANDERS AND FARCY CONTROL

21—64.10(163) Preventing spread of glanders. No person owning or having the care or custody of any animal affected with glanders or farcy, or which there is a reason to believe is affected with said disease, shall lead, drive or permit such animal to go on or over any public grounds, unenclosed lands, street, road, public highway, lane or alley; or permit such animal to drink at any public watering trough, pail or spring, or keep such diseased animal in any enclosure in or from which such diseased animal may come in contact with, or in proximity to, any animal not affected with such disease.

This rule is intended to implement Iowa Code section 163.20.

21—64.11(163) Disposal of diseased animal. Whenever any animal affected with glanders dies or is destroyed the carcass of such animal shall be burned immediately.

As glanders is transmissible to human beings great care must be exercised in handling diseased animals or carcasses.

This rule is intended to implement Iowa Code section 163.1.

21—64.12(163) Glanders quarantine. It shall be the duty of the chief of division of animal industry to maintain quarantine on all animals affected with glanders until such animals have been destroyed by consent of the owner or otherwise, and carcasses disposed of in accordance with 64.11(163) and the premises where the same have been kept thoroughly cleaned and disinfected.

This rule is intended to implement Iowa Code section 163.2.

21—64.13(163) Tests for glanders and farcy. In suspected cases of glanders and farcy the most efficient field test is the intrapalpebral mallein test, and as valuable aids to diagnosis the mallein Strass' agglutination and precipitation tests shall be recognized.

This rule is intended to implement Iowa Code section 163.1.

21—64.14 Reserved.

[Filed 6/3/55]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

BLACKLEG CONTROL

21—64.15(163) Blackleg. Upon the appearance of an outbreak of blackleg on any premises all calves and yearlings on the premises should be promptly immunized. All carcasses of animals dead of blackleg must be burned intact without removal of the hide. Such carcasses may be disposed of by removal within 24 hours by the operator of a regularly licensed rendering plant. In the event that the owner of any animal dead from blackleg neglects or refuses to make such disposition of the carcass or carcasses as indicated above, then in such cases the disposal shall be handled in accordance with 61.33(163).

This rule is intended to implement Iowa Code sections 167.18 and 163.2.

21—64.16 Reserved.

[Filed 6/3/55]

[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

DEPARTMENT NOTIFICATION OF DISEASES

21—64.17(163) Notification of chief of animal industry. It shall be the duty of any city or local board of health or township trustees, whenever notice is given of animals being affected with rabies, glanders, scabies, classical swine fever or any contagious or infectious disease or having been exposed to the same, to promptly notify the state veterinarian.

This rule is intended to implement Iowa Code section 163.17.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.18 to 64.22 Reserved.

[Filed 6/3/55]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

RABIES CONTROL

21—64.23(163) Rabies—exposed animals. Whenever rabies is known to exist in any community it shall be the duty of all owners of dogs or other exposed animals to immediately confine such dogs or animals securely to prevent them from spreading the infection should they develop the disease.

This rule is intended to implement Iowa Code section 351.39.

21—64.24(163) Rabies quarantine. When quarantine is established in any community on account of the existence of rabies all dogs not confined or muzzled shall be promptly destroyed.

This rule is intended to implement Iowa Code section 351.40.

21—64.25(351) Control and prevention of rabies.

64.25(1) *Antirabies vaccine.*

a. Vaccines and immunization procedures recommended in the Compendium of Animal Rabies Vaccines prepared by the National Association of Public Health Veterinarians, Inc. are approved by the Iowa department of agriculture and land stewardship.

b. Reserved.

64.25(2) *Tag and certificate.*

a. The veterinarian shall issue a tag with the numerical number thereon and the certificate of vaccination shall designate the tag number.

b. Each rabies vaccination certificate issued by the veterinarian must be an Official Rabies Vaccination Certificate approved by the Iowa department of agriculture and land stewardship.

This rule is intended to implement Iowa Code section 351.35.

21—64.26 to 64.29 Reserved.

[Filed 6/3/55, amended 7/13/65, 3/21/67]

[Filed 4/17/87, Notice 3/11/87—published 5/6/87, effective 6/10/87]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

SCABIES OR MANGE CONTROL

21—64.30(163) Scabies or mange quarantine. Whenever the state veterinarian shall have knowledge of any horses, cattle, sheep or swine affected with scabies or mange, owners of any horses, cattle, sheep or swine affected shall medicate the animals at intervals the state veterinarian deems necessary with a method approved by the state veterinarian.

This rule is intended to implement Iowa Code section 166A.8.

[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.31 Reserved.

[Filed 6/3/55]

[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10, effective 9/1/10]

DISEASE CONTROL AT FAIRS AND EXHIBITS

21—64.32(163) State fairgrounds—disinfection of livestock quarters. It shall be the duty of the chief of division of animal industry to supervise the disinfection of all buildings, stalls and pens at the state fairgrounds just prior to the opening of such fair and to supervise the disinfecting daily of hog pens and such other enclosures.

This rule is intended to implement Iowa Code section 163.1.

21—64.33(163) County fairs—disinfection of livestock quarters. It shall be the duty of all secretaries of all county fairs or exhibitions of livestock in the state of Iowa, excepting the Iowa state fair, to supervise the disinfecting of all buildings, stalls and pens prior to the opening of such county fair or exhibition of livestock and to disinfect hog pens and all such enclosures daily during such fairs and exhibitions.

This rule is intended to implement Iowa Code section 163.1.

21—64.34(163) Health requirements for exhibition of livestock, poultry and birds at the state fair, district shows and exhibitions.

64.34(1) General requirements. All animals, poultry and birds intended for any exhibition will be considered under quarantine and not eligible for showing until the owner or agent presents an official Certificate of Veterinary Inspection. The certificate must be issued by an accredited veterinarian within 30 days (14 days for sheep) prior to the date of entry; and must indicate that the veterinarian has inspected the animals, poultry or birds and any nurse stock that accompany them, and that they are apparently free from symptoms of any infectious disease (including warts, ringworm, footrot, draining abscesses and pinkeye) or any communicable disease. Individual Certificates of Veterinary Inspection will not be required in certain classes, if the division superintendent for the exhibition has made prior arrangements with the official fair veterinarian to have all animals and birds inspected on arrival.

64.34(2) Breeding cattle.

a. Tuberculosis. Cattle originating from a USDA accredited-free state or zone may be exhibited without other testing requirements when accompanied by a Certificate of Veterinary Inspection that lists individual official identification. Cattle from a herd or area under quarantine for tuberculosis may not be exhibited. Cattle from a state or zone which is not a USDA accredited-free state or zone must meet the following requirements:

- (1) Have had an individual animal test conducted within 60 days of the exhibition; or
- (2) Originate from a tuberculosis accredited-free herd, with the accredited herd number and date of last test listed on the Certificate of Veterinary Inspection; and
- (3) Have been issued a preentry permit from the state veterinarian's office.

b. Brucellosis.

(1) Native Iowa cattle originating from a herd not under quarantine may be exhibited when accompanied by a Certificate of Veterinary Inspection that lists individual official identification.

(2) Cattle originating outside the state must meet one of the following requirements:

1. Originate from brucellosis class "free" states, accompanied by a Certificate of Veterinary Inspection that lists individual official identification; or

2. Be beef heifers under 24 months of age and dairy heifers under 20 months of age which are official brucellosis vaccinates, accompanied by a Certificate of Veterinary Inspection that lists the official calfhood vaccination tattoo and individual official identification; or

3. Be animals of any age that originate from a herd not under quarantine, accompanied by a Certificate of Veterinary Inspection that lists a report of a negative brucellosis test conducted within 30 days prior to opening date of exhibition and individual official identification; or

4. Originate from a certified brucellosis-free herd, accompanied by a Certificate of Veterinary Inspection that lists individual official identification, herd number, and date of last test; or

5. Be calves under six months of age, accompanied by a Certificate of Veterinary Inspection that lists individual official identification.

(3) All brucellosis tests must have been confirmed by a state-federal laboratory. All nurse cows which accompany calves to be exhibited must meet the health requirements set forth in 64.34(2) "b."

(4) All cattle originating from states not classified as "free" for brucellosis must have been issued a preentry permit from the state veterinarian's office.

64.34(3) Market beef cattle. Steers and beef-type heifers exhibited in market classes must be accompanied by a Certificate of Veterinary Inspection, showing individual official identification for each animal, and must originate from a herd not under quarantine.

64.34(4) Swine. All swine must originate from a herd or area not under quarantine and must be individually identified on a Certificate of Veterinary Inspection. Plastic tags issued by 4-H officials may be substituted for an official metal test tag, when an additional identification (ear notch) is also recorded on the test chart and Certificate of Veterinary Inspection. All identification is to be recorded on the pseudorabies test chart and the Certificate of Veterinary Inspection.

a. Brucellosis. All breeding swine six months of age and older must:

- (1) Originate from a brucellosis class "free" state; or
- (2) Originate from a brucellosis validated herd with herd certification number and date of last test listed on the Certificate of Veterinary Inspection; or
- (3) Have a negative brucellosis test conducted within 60 days prior to show and confirmed by a state-federal laboratory.

b. Aujeszky's Disease (pseudorabies)—all swine.

(1) Native Iowa swine. Exhibitors of native Iowa swine that originate from a Stage IV or lower-status county must present a test record and Certificate of Veterinary Inspection that indicate that each swine has had a negative test for pseudorabies within 30 days prior to the show (individual show regulations may have more restrictive time restrictions), regardless of the status of the herd, and that show individual official identification. Exhibitors of native Iowa swine that originate from a Stage V county must present a Certificate of Veterinary Inspection that lists individual official identification. No

pseudorabies testing requirements will be necessary for native Iowa swine that originate from Stage V counties. Electronic identification will not be considered official identification for exhibition purposes.

(2) Swine originating outside Iowa. All exhibitors must present a test record and Certificate of Veterinary Inspection that indicate that each swine has had a negative test for pseudorabies within 30 days prior to the show (individual show regulations may have more restrictive time restrictions), regardless of the status of the herd, and that show individual official identification. Electronic identification will not be considered official identification for exhibition purposes.

64.34(5) *Sheep and goats.* All sheep and goats must be individually identified and a record of the identification noted on the Certificate of Veterinary Inspection and must originate from a herd or flock not under quarantine. Any evidence of club lamb fungus, draining abscesses, ringworm, footrot, sore mouth or any other contagious disease shall eliminate the animal from the show. The Certificate of Veterinary Inspection for sheep shall require clinical inspection by an accredited veterinarian within 14 days (30 days for goats) prior to date of entry to exhibition grounds.

a. Sheep and goats—scrapie. All sexually intact sheep must be identified with an individual scrapie flock of origin identification tag, and this number must be listed on the Certificate of Veterinary Inspection.

All sexually intact goats must be identified with an individual scrapie flock of origin identification tag or by an official registered tattoo, and one of these numbers must be listed on the Certificate of Veterinary Inspection. The Certificate of Veterinary Inspection must also include a statement certifying the herd's participation in the scrapie program.

b. Goats—brucellosis and tuberculosis. Goats must be from a state certified brucellosis-free herd or have a record of a negative brucellosis test performed within 90 days of the exhibition. In addition, they must originate from a herd having a negative tuberculosis test within the last 12 months or have a record of a negative tuberculosis test performed within 90 days of exhibition.

64.34(6) *Horses and mules.* Native Iowa horses and mules can be exhibited when accompanied by an individual Certificate of Veterinary Inspection listing individual identification or a description of the individual animals.

All equine, six months of age or older, originating from outside the state shall be accompanied by an official Certificate of Veterinary Inspection listing individual identification or a description of the individual animals; and indicating that each animal in the shipment has had a negative official equine infectious anemia test within 12 months of importation. The testing laboratory, laboratory accession number and date of test must appear on the certificate.

64.34(7) *Poultry and birds.* All poultry exhibited must come from U.S. pullorum-typhoid clean or equivalent flocks; or have had a negative pullorum-typhoid test performed within 90 days of the exhibition by an authorized tester. An approved certificate verifying this status shall accompany the exhibit.

64.34(8) *Dogs and cats.* Dogs and cats exhibited must have current, official rabies vaccination certificates.

64.34(9) *Removal from fair or exhibition.* The veterinary inspector in charge shall order that any livestock, poultry or birds found to be infected with any contagious or infectious disease be removed from the fair or exhibition.

64.34(10) *Cervidae.* For the purposes of this subrule, "Cervidae" means all animals belonging to the Cervidae family, and "CWD susceptible Cervidae" means whitetail deer, blacktail deer, mule deer, red deer, and elk.

a. Native Iowa Cervidae. Native Iowa Cervidae from a herd not under quarantine may be exhibited without additional testing for brucellosis or tuberculosis. CWD susceptible Cervidae intended for exhibition must originate from a herd that has completed at least one year in the CWD monitoring program. Native Iowa Cervidae may be exhibited without other testing requirements when the Cervidae are accompanied by a Certificate of Veterinary Inspection that lists individual official identification and the monitored CWD cervid herd number or certified CWD herd number for CWD susceptible Cervidae, including the status level and anniversary date, and contains the following statement:

“All Cervidae listed on this certificate have been part of the herd of origin for at least one year or were natural additions to the herd. There has been no diagnosis, sign, or epidemiological evidence of chronic wasting disease in this herd for the past year.”

b. Cervidae originating outside Iowa. Cervidae that originate outside Iowa must obtain an entry permit from the state veterinarian’s office prior to import into Iowa. Cervidae that originate outside Iowa which are six months of age or older must originate from a herd not under quarantine and have been tested negative for Tuberculosis (TB) by the Single Cervical Tuberculin (SCT) test (Cervidae) within 90 days of exhibition, or originate from an Accredited Herd (Cervidae), or originate from a Qualified Herd (Cervidae), with test dates shown on the Certificate of Veterinary Inspection. Herd status and SCT test are according to USDA Tuberculosis Eradication in Cervidae Uniform Methods and Rules, effective January 22, 1999.

Cervidae that originate outside Iowa which are six months of age or older must also have been tested negative for brucellosis within 90 days of exhibition, or originate from a certified brucellosis-free cervid herd, or a cervid class-free status state (brucellosis). This negative test result must be determined by brucellosis tests approved for cattle and bison, and the test must have been conducted in a cooperative state-federal laboratory.

(1) All CWD susceptible Cervidae must have originated from a monitored or certified CWD cervid herd in which the animals have been kept for at least one year or to which the animals were natural additions. The originating herd must have achieved a CWD status equal to completion of three years in an approved CWD monitoring program, and the CWD herd number and enrollment date must be listed on the Certificate of Veterinary Inspection. Cervidae originating from a herd with a diagnosis, sign, or epidemiological evidence of CWD or from an area under quarantine for chronic wasting disease shall not be exhibited. The following statement must appear on the Certificate of Veterinary Inspection:

“All Cervidae listed on this certificate originate from a chronic wasting disease monitored or certified herd in which these animals have been kept for at least one year or to which the animals were natural additions. There has been no diagnosis, sign, or epidemiological evidence of chronic wasting disease in this herd for the past year.”

(2) Other Cervidae. For all other Cervidae, the following statement must appear on the Certificate of Veterinary Inspection:

“All Cervidae listed on this certificate have been part of the herd of origin for at least one year or were natural additions to this herd. There has been no diagnosis, sign, or epidemiological evidence of chronic wasting disease in this herd for the past year.”

This rule is intended to implement Iowa Code sections 163.1 and 163.14.
[ARC 9942B, IAB 12/28/11, effective 1/1/12]

21—64.35(163) Health requirements for exhibition of livestock, poultry and birds at exhibitions. Each county fair shall have an official veterinarian who will inspect all livestock, poultry and birds when they are unloaded or shortly thereafter. No Certificate of Veterinary Inspection will be required on livestock, poultry and birds exhibited at a county 4-H or FFA show. Quarantined animals or animals from quarantined herds cannot be exhibited. Evidence of warts, ringworm, footrot, pinkeye, draining abscesses or any other contagious or infectious condition will eliminate the animal from the show.

64.35(1) Swine exhibition requirements. “Swine exhibition” means an exhibit, demonstration, show, or competition involving an event on the state fairgrounds, a county fair, or other exhibition event. The sponsor of the exhibition must retain an Iowa licensed veterinarian to supervise the health of the swine at the exhibition location. The sponsor must electronically file the approved registration form and obtain approval from the state veterinarian at least 30 days before the event. The registration form includes the name of the exhibition and the address and telephone number of its location; the name, address and telephone number of the veterinarian; and the date of the planned exhibition. Sales of swine will not be allowed unless the event has been registered and received approval from the state veterinarian 30 days prior to the event.

64.35(2) *Swine exhibition report required.* The sponsor of the swine exhibition shall electronically submit to the department the approved report form within five business days after the conclusion of the exhibition. The form includes the name of the exhibition and the address and telephone number of its location; the name, address and telephone number of the veterinarian; the date that the exhibition occurred; the name, address and telephone number of the owner of the swine; and the address and telephone number of the premises from which the swine was moved after the exhibition if such premises is a different premises.

64.35(3) *Dogs and cats.* All dogs and cats exhibited in county exhibitions must have a current, official rabies certification.

64.35(4) *Poultry and birds.* Except as provided in this subrule, all poultry exhibited must come from U.S. pullorum-typhoid clean or equivalent flocks; or have had a negative pullorum-typhoid test performed within 90 days of exhibition by an authorized tester. An approved certificate verifying this status shall accompany the exhibit.

However, no testing for salmonella pullorum-typhoid shall be required for “market classes” of poultry, if the poultry are consigned to a slaughter establishment directly from the exhibition. Poultry exhibited in these “market classes” shall be maintained separate and apart from poultry not exempted from the testing requirements. Separate and apart shall include both of the following: holding poultry so that neither poultry nor organic material originating from the poultry has physical contact with other poultry; and poultry exhibited in “market classes” shall be maintained in enclosures at least ten feet apart or separated by an eight-foot high solid partition from all other poultry. Poultry exhibited in “market classes” shall be so declared at the time of entry into this exhibition or before.

All enclosures maintaining poultry shall be thoroughly cleaned and disinfected.

64.35(5) *Sheep and goats.* All sexually intact sheep must have an individual scrapie flock of origin identification tag. All sexually intact goats must have an individual scrapie flock of origin identification tag or an official registered tattoo.

64.35(6) *Cervidae.* Native Iowa Cervidae from a herd not under quarantine may be exhibited without additional testing for brucellosis or tuberculosis. CWD susceptible Cervidae intended for exhibition must originate from a herd that has completed at least one year in the CWD monitoring program. Native Iowa Cervidae may be exhibited without other testing requirements when the Cervidae are accompanied by a Certificate of Veterinary Inspection that lists individual official identification and the monitored CWD cervid herd number or certified CWD herd number for CWD susceptible Cervidae, including the status level and anniversary date, and contains the following statement:

“All Cervidae listed on this certificate have been part of the herd of origin for at least one year or were natural additions to the herd. There has been no diagnosis, sign, or epidemiological evidence of chronic wasting disease in this herd for the past year.”

64.35(7) *Show veterinarian.* The decision of the show veterinarian shall be final.

This rule is intended to implement Iowa Code sections 163.1 and 163.14.

[ARC 9942B, IAB 12/28/11, effective 1/1/12]

21—64.36 and 64.37 Reserved.

[Filed 6/3/55]

[Filed 3/30/77, Notice 2/23/77—published 4/20/77, effective 5/26/77]

[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed 4/13/90, Notice 2/21/90—published 5/2/90, effective 6/6/90]

[Filed 10/18/90, Notice 7/25/90—published 11/14/90, effective 1/1/91]

[Filed emergency 6/7/91 after Notice 5/1/91—published 6/26/91, effective 7/1/91]

[Filed 5/7/93, Notice 3/3/93—published 5/26/93, effective 6/30/93]

[Filed 8/25/94, Notice 7/20/94—published 9/14/94, effective 10/19/94]

[Filed 5/29/96, Notice 4/24/96—published 6/19/96, effective 7/24/96]

[Filed emergency 4/18/03 after Notice 2/19/03—published 5/14/03, effective 4/18/03]

[Filed 3/17/04, Notice 2/4/04—published 4/14/04, effective 5/19/04]

[Filed emergency 7/2/04—published 7/21/04, effective 7/2/04]

[Filed emergency 9/3/04—published 9/29/04, effective 9/3/04]

[Filed 12/3/04, Notice 9/29/04—published 12/22/04, effective 1/26/05]

[Filed emergency 3/23/06 after Notice 2/1/06—published 4/12/06, effective 3/23/06]

[Filed emergency 4/11/08—published 5/7/08, effective 4/11/08]

[Filed Emergency After Notice ARC 9942B (Notice ARC 9836B, IAB 11/2/11), IAB 12/28/11, effective 1/1/12]

DISEASE CONTROL BY CONVEYANCES

21—64.38(163) Transportation companies—disinfecting livestock quarters. All railroad and transportation companies are hereby required to provide for proper drainage of all stockyards, pens, alleyways and chutes, and to clean and disinfect the same between April 15 and May 15 of each year and at such other times as may be deemed necessary. All expense incurred for the disinfecting and supervision of same must be paid by the railroad company. The chief of the division of animal industry shall enforce this rule.

This rule is intended to implement Iowa Code section 163.1.

21—64.39(163) Livestock vehicles—disinfection. It is hereby ordered by the state of Iowa, secretary of agriculture, that all cars or vehicles that have been used for conveying any animal or animals that have been found to have suffered or are suffering from any contagious or infectious diseases must be cleaned and disinfected thoroughly before leaving the yards where such animal or animals have been unloaded within the state of Iowa.

This rule is intended to implement Iowa Code section 163.1.

21—64.40 Reserved.

[Filed 6/3/55]

[Filed emergency 7/8/88 after Notice of 6/1/88—published 7/27/88, effective 7/8/88]

INTRASTATE MOVEMENT OF LIVESTOCK

21—64.41(163) General. All places where livestock is assembled, either bought or sold for purposes other than immediate slaughter, whether by private sale or public auction, when not under federal supervision must be under state supervision.

64.41(1) The management of all livestock auction markets shall make application for, and obtain a permit from the department to conduct such sales.

64.41(2) Before movement, the livestock shall comply with requirements as set forth below.

64.41(3) Livestock imported for resale shall meet all health requirements governing their admission into the state as set forth in 21—Chapter 65.

This rule is intended to implement Iowa Code sections 163.1, 163.11, and 163.14.

21—64.42(163) Veterinary inspection.

64.42(1) All livestock markets shall be under the general supervision of the Chief, Bureau of Animal Industry, Iowa Department of Agriculture and Land Stewardship, Des Moines, Iowa 50319, and the direct supervision of the approved veterinary inspector. Markets shall pay inspection fees directly to the veterinary inspector.

64.42(2) The veterinary inspector shall:

- a. Examine all livestock moving through the market.
- b. Prohibit the sale of any animal deemed to be diseased.
- c. Issue quarantines when required, and

- d.* Supervise the cleaning and disinfection of yards following sales.
This rule is intended to implement Iowa Code section 163.1.

21—64.43(163) Swine.

64.43(1) *Brucellosis.* All breeding swine four months of age or over moving through a livestock market or offered for sale or sold by the owner by private treaty must:

- a.* Originate from a validated herd, or from a validated brucellosis-free state according to Title 9 CFR as amended effective May 23, 1994, and published in the Federal Register, Vol. 59, No. 77, April 21, 1994, or
- b.* Be proved negative to a brucellosis test conducted within 60 days prior to sale or service and originate from a herd not under quarantine.

All breeding swine showing a positive reaction to a brucellosis test conducted at a livestock market shall be tagged in the left ear with a reactor tag and moved direct to slaughter on permit. The herd of origin shall be placed under quarantine for immediate test. Such quarantine to remain in effect until a complete negative herd test is conducted.

The negative animals from a reactor group disclosed at an auction market can return to the farm of origin under strict quarantine to be tested no sooner than 30 days nor later than 60 days from the date of test.

64.43(2) Reserved.

This rule is intended to implement Iowa Code sections 163A.1 and 163A.3.

21—64.44(163) Farm deer. Rescinded IAB 11/26/03, effective 12/31/03.

21—64.45 and 64.46 Reserved.

[Filed 7/14/64; amended 1/12/66, 5/14/68, 7/9/68, 4/18/73]
[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]
[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]
[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]
[Filed emergency 6/7/91 after Notice 5/1/91—published 6/26/91, effective 7/1/91]
[Filed 8/25/94, Notice 7/20/94—published 9/14/94, effective 10/19/94]
[Filed 5/29/96, Notice 4/24/96—published 6/19/96, effective 7/24/96]
[Filed 11/7/03, Notice 10/1/03—published 11/26/03, effective 12/31/03]

BRUCELLOSIS

21—64.47(163) Definitions as used in these rules.

64.47(1) “*Department*” means the Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa.

64.47(2) “*Federal Office*” means the Animal, Plant and Health Inspection Service, United States Department of Agriculture, Federal Building, Des Moines, Iowa 50309.

64.47(3) “*Brucellosis*” means the disease of brucellosis in animals.

64.47(4) “*Brucellosis test*” means the blood serum test for brucellosis, applied in accordance with a technique approved by the department.

64.47(5) “*B.R.T.*” means a brucellosis ring test as applied to milk and cream, and used as a presumptive test for locating possible brucellosis infected herds according to a technique approved by the department.

64.47(6) “*Brucellosis test classification*” means the designation of animals tested by the methods of card test or rivanol or any other method approved jointly by the state and federal departments of agriculture.

64.47(7) “*Veterinarian*” means a graduate of an approved veterinary school who is licensed and registered to practice veterinary medicine in this state.

64.47(8) “*Designated animals*” means only the following named bovine animals: beef cattle, dairy cattle, American bison or “buffalo,” and their hybrids.

This rule is intended to implement Iowa Code section 163A.9.

21—64.48 Reserved.

21—64.49(163) Certified brucellosis-free herd. In order to qualify a herd of cattle as brucellosis-free and receive a certificate evidencing same, the owner thereof shall comply with the following requirements:

64.49(1) *Certified brucellosis-free herd.* A herd may qualify for initial certification by a minimum of three consecutive negative milk ring tests (B.R.T.) conducted at not less than 90-day intervals, followed by a negative herd blood test conducted within 90 days after the last negative milk ring test; or at least two consecutive negative blood tests not less than 10 months nor more than 14 months apart. A herd may qualify for recertification by a negative blood test within 60 days of each anniversary date, and the certification period being 12 months. If recertification is not conducted within 60 days following the anniversary date, then certification requirements are the same for initial certification.

64.49(2) *Additions to certified herds.*

a. To certified herds:

(1) From herds with equal status.

(2) From once-tested clean herds. Calf vaccinated animals up to 30 months of age on certificate of vaccination—over 30 months if negative; or nonvaccinated animals on evidence of negative retest not less than 60 days from date of negative herd test.

b. To once-tested clean herds:

(1) From herds with equal or superior status.

(2) From other herds, calfhood vaccinated animals up to 30 months of age on certificate of vaccination; over 30 months, if negative; nonvaccinated animals if tested negative, then segregated and retested negative in not less than 60 days.

64.49(3) The owner or veterinarian shall make a request to the chief, division of animal industry for certification or recertification, for a brucellosis-free herd when the required tests are completed.

This rule is intended to implement Iowa Code section 164.4.

21—64.50(163) Restraining animals. To facilitate the vaccination, taking of blood sample or identifying animals as reactors, it shall be the duty of the owner to confine the animals in a suitable enclosure and to restrain the individual animal in a manner sufficient to permit the veterinarian to perform any of the services required under laws and rules of Iowa.

This rule is intended to implement Iowa Code section 164.4.

21—64.51(163) Quarantines.

64.51(1) Bovine animals classified as reactors shall be quarantined on the premises and not permitted to mingle with other cattle until disposed of for slaughter under a permit issued by the department or its authorized agent.

64.51(2) All bovine animals comprising a herd operating under control Plan A shall be quarantined when one of its members has been classified as a reactor, such quarantine to remain in effect until two consecutive negative brucellosis tests, 30 to 60 days apart, have been made. No animals of such a herd may be moved or sold except to slaughter under permit issued by the department or its authorized agent except that the department in hardship cases may permit the movement of such animals other than to slaughter with quarantines remaining in effect at the new location, together with any new animals with which they may commingle.

64.51(3) Owners of animals tested for brucellosis shall hold the entire herd on the premises until the results of the test are determined.

64.51(4) Notice of quarantine shall be delivered in writing by the department or its authorized agent to the owner or caretaker of all cattle quarantined. A report of such quarantine shall also be filed with the department as prescribed.

This rule is intended to implement Iowa Code sections 164.15 and 164.19.

21—64.52(163) Identification of bovine animals.

64.52(1) *Identification tag.* Every veterinarian, in conjunction with the testing of any bovine animal for brucellosis or the vaccination of any such animal, shall insert an identification tag of the type approved by the department in the right ear of each animal which is not so identified; provided that in the case of an animal registered with a purebred association, the registry or tattoo number assigned to the animal by such association may be used for identification in lieu of an identification tag.

64.52(2) *Official vaccinates.* An animal vaccinated with RB-51 brucella abortus vaccine must have an official identification tag in the right ear or an individual animal registration tattoo. Additionally, the animal must be tattooed in the right ear with the U.S. Registered Shield and the letter “V,” which shall be preceded by a letter “R” and followed by a number corresponding to the last digit of the year in which the animal was vaccinated.

64.52(3) *Reactor identification.* Bovine-reactor cattle eight months of age or over shall be permanently branded with a hot iron on the tailhead over the fourth to the seventh coccygeal vertebrae with the letter “B” not less than two inches nor more than three inches high and shall also be tagged in the left ear with a reactor identification tag approved by the department within 15 days of the date on which they were disclosed as reactors. This subrule shall not apply to official calfhood vaccination as defined in Iowa Code section 164.1. Such vaccinates need not be branded if they react to the brucellosis test until 30 months of age.

This rule is intended to implement Iowa Code sections 164.11 and 164.12.

[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.53(163) Cleaning and disinfection. After any disclosure of reactors to the brucellosis test and following their disposal for slaughter, the owner of such cattle shall be required to clean and disinfect all barns and premises in which said cattle have been held. Such cleaning and disinfection shall be done in accordance with instructions and with a disinfectant approved by the department.

This rule is intended to implement Iowa Code section 163.1.

21—64.54(163) Disposal of reactors.

64.54(1) Reactor cattle disclosed in herds operating under Plan A shall be tagged and branded within 15 days of the date the blood samples were taken. In accordance with Iowa law, an additional 30 days will be allowed for slaughter.

64.54(2) All reactors shall be disposed of for slaughter only in plants operating under federal meat inspection or slaughtering establishment approved by the department and must be accompanied by a shipping permit ADE 1-27 issued by an accredited veterinarian.

64.54(3) No cattle shall be disposed of through public sales or sales barns.

This rule is intended to implement Iowa Code section 164.17.

21—64.55(163) Brucellosis tests and reports.

64.55(1) All brucellosis tests conducted at state-federal expense must be performed at a state-federal laboratory as determined by the department.

64.55(2) The department shall approve a veterinarian as eligible to conduct brucellosis tests upon successful completion of a course of training and instruction provided by the department. The department shall specify the standards for maintaining such approval.

64.55(3) All brucellosis tests conducted by a veterinarian must be reported to the department, on forms prescribed, within seven days following completion of such tests. A copy of such tests shall also be given to the herd owner by the veterinarian.

64.55(4) Reports of vaccination shall be rendered by the veterinarian within 30 days in compliance with the regulation. It is from the information on these reports that the owner of the cattle will receive recognition as being under official supervision.

This rule is intended to implement Iowa Code section 164.10.
[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.56(163) Suspect animals designated as reactors.

64.56(1) A nonvaccinated animal classified as a suspect on the brucellosis test may be reclassified as a reactor by the veterinarian obtaining the blood sample provided that such an animal is known to have aborted and is from a herd containing reactors.

64.56(2) Animals so designated in 64.38(1) and 64.38(2) will be eligible for indemnity in accordance with the laws and rules governing same.

This rule is intended to implement Iowa Code section 163.1.

21—64.57(163) Indemnity not allowed.

64.57(1) No indemnity shall be paid unless the test was previously authorized by proper state or federal authority.

64.57(2) No indemnity may be paid on an animal which was vaccinated when it was more than eight months of age.

64.57(3) Rescinded.

64.57(4) No indemnity may be paid as a result of a test of an official vaccinate less than 30 months of age.

64.57(5) No indemnity may be paid upon reactors unless they are tagged, branded and slaughtered according to the state and federal regulations.

64.57(6) No indemnity may be paid upon cattle entering the state of Iowa which have not met the requirements for entry as breeding or dairy cattle.

64.57(7) No indemnity can be paid on reactors owned by the state or county.

64.57(8) No indemnity may be paid on unregistered reactor bulls, steers or spayed heifers.

64.57(9) No indemnity will be paid for brucellosis reactors when known reactors have been held on the premises for more than 30 days from the date on which they were tagged and branded.

64.57(10) No indemnity will be paid when infected premises have not been cleaned and disinfected to the satisfaction of the department in such a manner as to prevent the further spread of the disease.

64.57(11) No indemnity will be paid if the claimant has failed to comply with any of the requirements of these rules.

64.57(12) No indemnity will be paid on brucellosis reactors disclosed in a herd unless a state-federal cooperative agreement has been signed by the owner prior to conducting the brucellosis test.

64.57(13) No indemnity will be allowed unless all animals comprising the herd, both beef and dairy type, have been subjected to a brucellosis test conducted at the state-federal laboratory.

64.57(14) No indemnity will be paid on any reactors unless they are slaughtered in a plant operating under federal meat inspection and accompanied by a shipping permit ADE 1-27 issued by an accredited veterinarian.

This rule is intended to implement Iowa Code section 163.15.

21—64.58(163) Area testing.

64.58(1) Counties shall be tested in the order that valid petitions are received unless the department shall decide that it is not expedient to make tests in that order.

64.58(2) All provisions of the rules as promulgated under authority of Iowa Code section 164.2 are also in effect for counties designated as under area testing.

64.58(3) An area may be declared modified certified brucellosis-free by the application of two milk tests not less than six months apart, together with a blood test of all milk reacting herds and such other herds as are not included in the milk test. The number of reactors (exclusive of officially calf vaccinated animals under 30 months of age) must not exceed 1 percent of the cattle and the herd infection must not

exceed 5 percent. Infected herds shall be quarantined until they have passed at least two consecutive blood tests not less than 60 days apart.

64.58(4) If testing as outlined in 64.58(3) above reveals an animal infection rate of more than 1 percent, but not over 2 percent and a retest of the infected herds applied within 120 days discloses not more than 1 percent animal infection in not over 5 percent of the herds, the area may then be certified.

64.58(5) If the test of an area as outlined under 64.58(3) results in more than 2 percent reactors, or if a retest of infected herds as under 64.58(3) does not qualify the area for certification, it shall be necessary to make a complete area retest.

64.58(6) Recertification. Areas may be recertified with the application of semiannual milk tests, follow-up blood tests of milk reacting herds and blood tests at three-year intervals on 20 percent of all herds not included in the milk test, if the incidence of infection does not exceed 1 percent of the cattle and 5 percent of the herds under test.

64.58(7) If testing as outlined under 64.58(6) reveals an animal infection rate of more than 1 percent, but not over 2 percent and a retest of the infected herds applied within 120 days discloses not more than 1 percent animal infection in not over 5 percent of the herds, the area may then be certified.

64.58(8) Any area not qualifying for recertification under the provisions of 64.58(7) shall be required to reestablish its certified status through testing procedures as outlined under 64.58(3).

64.58(9) The report of suspicious ring test of any herd shall be cause for a brucellosis test to be made.

64.58(10) The report of negative ring test will exempt a herd from brucellosis test unless such herd is due a test because of previous infection.

64.58(11) Milk producing herds missed on more than one regularly scheduled ring test will be required to have a brucellosis test made.

This rule is intended to implement Iowa Code sections 163.1, 164.2, 164.4, and 165.2.

21—64.59 to 64.62 Reserved.

[Filed 11/26/57, amended 4/18/73]

[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed 7/25/97, Notice 6/18/97—published 8/13/97, effective 9/17/97]

[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10, effective 9/1/10]

BOVINE BRUCELLOSIS

21—64.63(164) Back tagging in bovine brucellosis control.

64.63(1) All bovine animals two years of age and older received for sale or shipment to a slaughtering establishment shall be identified with a back tag issued by the department. The back tag will be affixed to the animal as directed by the department.

64.63(2) It shall be the duty of every livestock trucker, when delivering to an out-of-state market, and every livestock dealer, livestock market operator, stockyards operator and slaughtering establishment to identify all such bovine animals not bearing a back tag at the time of receiving possession or control of such animals. A livestock trucker may be exempted from this requirement if the animals are identified as to the farm of origin when delivered to a livestock market, stockyards or slaughtering establishment agreeing to accept responsibility for back tag identification.

64.63(3) Every person required to identify animals under this rule shall file reports of such identification on forms prescribed by the department. Each such report will cover all animals identified during the preceding week.

This rule is intended to implement Iowa Code section 164.30.

21—64.64(164) Fee schedule.

64.64(1) *Bleeding.* Thirty dollars per stop (herd) and five dollars per head for all cattle bled.

64.64(2) Tagging and branding reactors. Fifteen dollars for the first reactor and five dollars for each additional reactor.

This rule is intended to implement Iowa Code section 164.6.
[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.65(163) Definitions.

64.65(1) Bleeding. Bleeding shall mean the taking of a blood sample in a vial or tube, to be submitted to a laboratory for testing and diagnosis of diseases.

64.65(2) Injection. Injection shall mean the injection of tuberculin into a prescribed area of the animal as a diagnostic test for tuberculosis.

64.65(3) Reading. Reading shall mean the examination of the injection site to ascertain whether or not there has been a reaction. A reaction at the injection site is a positive diagnosis of tuberculosis.

64.65(4) Stop. Stop shall mean a personal visit at a particular farm for the expressed purpose of testing animals for tuberculosis or brucellosis, for reading animals for tuberculosis, or for tagging and branding animals diagnosed as having tuberculosis or brucellosis.

This rule is intended to implement Iowa Code section 164.4.

21—64.66 Reserved.

[Filed 9/26/67, amended 9/25/73, 10/10/73, 12/9/74]

[Filed 9/15/78, Notice 7/26/78—published 10/4/78, effective 11/9/78]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10, effective 9/1/10]

ERADICATION OF SWINE BRUCELLOSIS

21—64.67(163A) Brucellosis test. When reactor animals are revealed on any test, the herd of origin and all exposed animals shall be placed under quarantine and inspections and tests performed as provided in Iowa Code chapter 163A.

This rule is intended to implement Iowa Code section 163A.12.

21—64.68(163A) Veterinarians to test. The department will designate a federal or state veterinarian or it may designate a licensed accredited veterinarian to make the inspections and tests. The expense of the tests may be charged to the county brucellosis eradication fund as provided in Iowa Code section 163A.12.

This rule is intended to implement Iowa Code section 163A.12.

21—64.69 and 64.70 Reserved.

21—64.71(163A) Fee schedule.

64.71(1) Bleeding. Thirty dollars per stop (herd) and five dollars per head for all animals bled.

64.71(2) Tagging of reactors. Thirty dollars per stop (herd) and two dollars per head for all swine tagged.

This rule is intended to implement Iowa Code section 163A.12.
[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.72 Reserved.

[Filed 5/14/73, amended 9/25/73, 12/9/74]

[Filed 9/15/78, Notice 7/26/78—published 10/4/78, effective 11/9/78]

[Filed 8/13/82, Notice 7/7/82—published 9/1/82, effective 10/6/82]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10, effective 9/1/10]

ERADICATION OF BOVINE TUBERCULOSIS

21—64.73(163) Tuberculin tests classified. Tuberculin tests adopted by the department of agriculture and land stewardship are:

64.73(1) The subcutaneous or “Thermal” test.

64.73(2) The intradermic or “Skin” test.

64.73(3) The ophthalmic or “Eye” test.

This rule is intended to implement Iowa Code section 165.13.

21—64.74(163) Acceptance of intradermic test. The intradermic tuberculin test will be accepted provided it has been applied by a regularly employed state or federal veterinarian, an accredited veterinarian or by an approved veterinarian when endorsed by the authorities of the state of origin, provided the observations be made at the seventy-second hour.

This rule is intended to implement Iowa Code section 164.4.

21—64.75(163) Adoption of intradermic test. The intradermic test is hereby adopted for area tuberculosis eradication work.

This rule is intended to implement Iowa Code section 164.4.

21—64.76(163) Ophthalmic test. The ophthalmic test will not be accepted as an official test except when applied in combination with either the subcutaneous or intradermic test.

This rule is intended to implement Iowa Code section 164.4.

21—64.77(163) Tuberculin test deadline. All tuberculin tests must be made within 30 days of date of shipment.

This rule is intended to implement Iowa Code section 164.4.

21—64.78(163) Health certificate. All certificates of health must show the number of cattle included in the test, the name of the owner and the post-office address.

This rule is intended to implement Iowa Code section 164.7.

21—64.79(163) Ear tags. All cattle not identified by registration name and number shall be identified by a proper metal tag bearing a serial number attached to the right ear.

This rule is intended to implement Iowa Code section 164.11.

21—64.80(163) Cattle importation. No cattle shall be imported into the state of Iowa except in accordance with 65.4(163).

This rule is intended to implement Iowa Code sections 163.11 and 165.36.

21—64.81(163) Tuberculin reactors. All herds of breeding cattle in counties that are under state and federal supervision for the eradication of tuberculosis in which reactors have been found may be held in quarantine until they have passed a negative tuberculin test.

All cattle that react to the tuberculin test, as well as those which show physical evidence of tuberculosis, shall be marked for identification by branding with the letter “T” not less than two or more than three inches high on the hip near the tailhead, and to the left ear shall be attached a metal tag bearing a serial number and the inscription “REACTOR”.

This rule is intended to implement Iowa Code section 165.4.

[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.82(163) Steers—testing. All untested steer cattle shall be handled and maintained as a separate unit from the breeding cattle (which means they shall be quarantined, watered and fed apart from breeding cattle).

This rule is intended to implement Iowa Code sections 163.1 and 164.4.

21—64.83(163) Female cattle—testing. Female cattle, the products of which are intended for family use, may be tuberculin tested without being denied the use of the same pastures and the same watering troughs as steers in feeding. This does not apply to female cattle, the products of which are handled commercially; neither does it apply where the feeding cattle are other than steers. Cows kept under such conditions cannot be sold for any purpose other than slaughter without being subjected to an additional tuberculin test.

This rule is intended to implement Iowa Code sections 163.1 and 164.4.

21—64.84(163) Certificates and test charts. Certificates and test charts must be made to conform with United States Bureau of Animal Industry rules governing the interstate movement of cattle; the original must be attached to the waybill and a copy forwarded to the Chief of Division of Animal Industry, Iowa Department of Agriculture and Land Stewardship, Des Moines, Iowa 50319.

This rule is intended to implement Iowa Code sections 163.1 and 164.4.

21—64.85(163) Slaughtering reactors. Reactors to the tuberculin test brought in for immediate slaughter must be consigned to a slaughtering establishment having federal inspection and must be transported thereto in accordance with section V, Regulation 7, of B.A.I. Order No. 309.

64.85(1) When it is found on slaughter that animals are affected with tuberculosis, the chief, division of animal industry, may order an immediate investigation, and if deemed advisable have all breeding cattle on the premises from which the tubercular animals originated, tested for tuberculosis.

64.85(2) When cattle within the state of Iowa are sold under sale contract to pass a 60- or 90-day tuberculin test and have failed to pass the same, before being returned to the original owner, the party wishing to return such animal or animals shall first obtain a permit from the chief, division of animal industry, Iowa department of agriculture and land stewardship, to do so.

64.85(3) When cattle are sold out of the state of Iowa under sale contract to pass a 60- or 90-day tuberculin test and failing to pass the same, before being returned to the original owner, the party wishing to return such animal or animals shall first furnish a tuberculin test chart showing the reaction, giving the date of reaction and proving to the satisfaction of the chief, division of animal industry, that such animals are reactors.

This rule is intended to implement Iowa Code section 165.4.

21—64.86(163) Agriculture tuberculin rules. The rules adopted by the Iowa department of agriculture and land stewardship governing the establishment of tuberculosis-free accredited herds and accredited areas or units in Iowa will be applied to such herds, and areas or units in cooperation with the bureau of animal industry, United States department of agriculture.

This rule is intended to implement Iowa Code section 165.12.

21—64.87(163) “Tuberculosis-free accredited herd” defined. A tuberculosis-free accredited herd is one which has been tuberculin tested by the subcutaneous method or any other test approved by the bureau of animal industry, under the supervision of the Iowa department of agriculture and land stewardship and the United States department of agriculture or a veterinary inspector employed by the state in which cooperative tuberculosis eradication work is being conducted jointly by the United States department of agriculture and the state. Further, it shall be a herd in which no animal affected with tuberculosis has been found upon two annual or three semiannual tuberculin tests, as above described, and by physical examination.

This rule is intended to implement Iowa Code section 165.12.

21—64.88(163) Retesting. The entire herd, or any cattle in the herd, shall be tuberculin tested or retested at such time as is considered necessary by the federal or state authorities.

This rule is intended to implement Iowa Code section 165.32.

21—64.89(163) Accredited herd. No herd shall be classed as an accredited herd, in which tuberculosis has been found by the application of the test as referred to in 64.63(163), until such herd has been successfully subjected to two consecutive tests with tuberculin applied at intervals of not less than six months, the first interval dating from the time of removal of the tuberculous animals from the herd.

This rule is intended to implement Iowa Code section 165.12.

21—64.90(163) Selection of cattle for tuberculin tests. No cattle shall be presented for the tuberculin test which have been injected with tuberculin within 60 days immediately preceding or which have at any time reacted to a tuberculin test.

This rule is intended to implement Iowa Code sections 165.10, 165.13 and 165.26.

21—64.91(163) Identification for test. Prior to each tuberculin test satisfactory evidence of the identity of the registered animal shall be presented to the inspector. Any grade cattle maintained in the herd or associated with the animals of the herd shall be identified by a tag or other marking satisfactory to the state and federal officials.

This rule is intended to implement Iowa Code section 163.1.

21—64.92(163) Removing cattle from herd. All removals of cattle from the herd, either by sale, death or slaughter, shall be reported promptly to the said state or federal officials, giving the identification of the animal, and if sold, the name and address of the person to whom transferred. If the transfer is made from the accredited herd to another accredited herd the shipment shall be made in only cleaned and disinfected cars. No cattle which have not passed a tuberculin test approved by the state and federal officials shall be allowed to associate with the herd.

This rule is intended to implement Iowa Code section 163.1.

21—64.93(163) Milk. All milk and other dairy products fed to calves shall be that produced by an accredited herd, or if from outside or unknown sources it shall be pasteurized by heating to not less than 150° F. for not less than 20 minutes.

This rule is intended to implement Iowa Code section 163.1.

21—64.94(163) Sanitary measures. All reasonable sanitary measures and other recommendations by the state and federal authorities for the control of tuberculosis shall be complied with.

This rule is intended to implement Iowa Code section 163.1.

21—64.95(163) Interstate shipment. Cattle from an accredited herd may be shipped interstate on certificate obtained from the office of the chief, division of animal industry, or from the office of the bureau of animal industry without further tuberculin test, for a period of one year, subject to the rules of the state of destination.

This rule is intended to implement Iowa Code section 165.36.

21—64.96(163) Reactors—removal. All cattle which react to the tuberculin test and for which the owner desires indemnity, as provided by statute, must be removed immediately from the cattle barn, lots and pastures where other cattle are being kept.

64.96(1) The barn or place where reacting cattle have been housed or kept shall be thoroughly cleaned and disinfected immediately.

64.96(2) Feed places and floors must be cleared of all hay and manure and scraped clean.

64.96(3) All loose boards and decayed woodwork should be removed, and when deemed necessary, and requested by the veterinarian, must be accomplished before it will be considered that the place has been properly cleaned and disinfected.

64.96(4) The feeding places, troughs, floors and partitions near the floor should be washed and scoured with hot water and lye.

This rule is intended to implement Iowa Code section 163.1.

21—64.97(163) Certificate. Strict compliance with these methods and rules shall entitle the owner of tuberculosis-free herds to a certificate, “TUBERCULOSIS-FREE ACCREDITED HERD”, to be issued by the United States Department of Agriculture, bureau of animal industry and the division of animal industry, Iowa department of agriculture and land stewardship. Said certificate shall be good for one year from date of test unless revoked at an earlier date.

This rule is intended to implement Iowa Code section 165.12.

21—64.98(163) Violation of certificate. Failure on the part of the owners to comply with the letter or spirit of these methods and rules shall be considered sufficient cause for immediate cancellation of the cooperative agreement with them by the state and federal officials.

This rule is intended to implement Iowa Code section 165.12.

21—64.99(163) Tuberculin—administration. In accordance with the provisions of Iowa Code chapter 165, the Iowa department of agriculture and land stewardship shall have control of the sale, distribution and use of all tuberculin used in the state and shall formulate regulations for its distribution and use. Only such persons as are authorized by the department, inspectors of the B.A.I. and regularly licensed practicing veterinary surgeons of the state of Iowa shall be entitled to administer tuberculin to any animal included within the meaning of this chapter.

This rule is intended to implement Iowa Code section 165.13.

21—64.100(163) Sale of tuberculin. No person, firm or corporation shall sell or distribute tuberculin to any person or persons in the state of Iowa except under the following conditions:

64.100(1) That the person or persons are legally authorized to administer tuberculin.

64.100(2) That all sales of tuberculin shall be reported to the secretary of agriculture on proper forms, which forms may be obtained from the chief, division of animal industry.

64.100(3) Reports of all sales and distribution of tuberculin in the state of Iowa shall be made in triplicate; the original copy to be delivered with the tuberculin to the person obtaining same; the duplicate to be forwarded to the Chief, Division of Animal Industry, Des Moines, Iowa 50319; and the triplicate copy to be retained by the manufacturer or distributor. All reports shall be made within 60 days from date of sale.

This rule is intended to implement Iowa Code section 165.12.

21—64.101(165) Fee schedule.

64.101(1) Injection. Thirty dollars per stop (herd) and two dollars per head.

64.101(2) Reading. Thirty dollars per stop (herd) and two dollars per head.

64.101(3) Tagging and branding reactors. Five dollars first reactor and three dollars each additional reactor.

This rule is intended to implement Iowa Code section 165.17.

[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.102 and 64.103 Reserved.

[Filed 11/26/57, amended 7/13/65]

[Filed 9/15/78, Notice 7/26/78—published 10/4/78, effective 11/9/78]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10, effective 9/1/10]

CHRONIC WASTING DISEASE (CWD)

21—64.104(163) Definitions. Definitions used in rules 64.104(163) through 64.119(163) are as follows:

“Accredited veterinarian” means a veterinarian approved by the deputy administrator of veterinary services, Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), and the state veterinarian in accordance with Part 161 of Title 9, Chapter 1, of the Code of Federal Regulations, revised as of July 21, 2006, to perform functions required by cooperative state/federal animal disease control and eradication programs.

“Adjacent herd” means one of the following:

1. A herd of Cervidae occupying premises that border an affected herd, including herds separated by roads or streams.

2. A herd of Cervidae occupying premises that were previously occupied by an affected herd within the past four years as determined by the designated epidemiologist.

“Affected cervid herd” means a cervid herd from which any animal has been diagnosed as affected with CWD and which has not been in compliance with the control program for CWD as described in rules 64.104(163) through 64.119(163).

“Approved laboratory” means an American Association of Veterinary Laboratory Diagnosticians (AAVLD) accredited laboratory or the National Veterinary Services Laboratory, Ames, Iowa.

“Certificate” means an official document, issued by a state veterinarian or federal animal health official or an accredited veterinarian at the point of origin, containing information on the individual identification of each animal being moved, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, and any other information required by the state veterinarian.

“Certified CWD cervid herd” means a herd of Cervidae that has met the qualifications for and has been issued a certified CWD cervid herd certificate signed by the state veterinarian.

“Cervidae” means all animals belonging to the Cervidae family.

“Cervid CWD surveillance identification program” or *“CCWDSI program”* means a CWD surveillance program that requires identification and laboratory diagnosis on all deaths of Cervidae 16 months of age and older including, but not limited to, deaths by slaughter, hunting, illness, and injury. A copy of approved laboratory reports shall be maintained by the owner for purposes of completion of the annual inventory examination for recertification. Such diagnosis shall include examination of brain and any other tissue as directed by the state veterinarian. If there are deaths for which tissues were not submitted for laboratory diagnosis due to postmortem changes or unavailability, the department shall determine compliance.

“Cervid dealer” means any person who engages in the business of buying, selling, trading, or negotiating the transfer of Cervidae, but not a person who purchases Cervidae exclusively for slaughter on the person’s own premises or buys and sells as part of a normal livestock production operation.

“Cervid herd” means a group of Cervidae or one or more groups of Cervidae maintained on common ground or under common ownership or supervision that are geographically separated but can have interchange or movement.

“Cervid herd of origin” means a cervid herd, or any farm or other premises, where the animals were born or where they currently reside.

“Chronic wasting disease” or *“CWD”* means a transmissible spongiform encephalopathy of cervids.

“CWD affected” means a designation applied to Cervidae diagnosed as affected with CWD based on laboratory results, clinical signs, or epidemiologic investigation.

“CWD exposed” or *“exposed”* means a designation applied to Cervidae that are either part of an affected herd or for which epidemiological investigation indicates contact with CWD affected animals or contact with animals from a CWD affected herd in the past five years.

“CWD susceptible Cervidae” means whitetail deer, blacktail deer, mule deer, red deer, elk, moose, and related species and hybrids of these species.

“CWD suspect” or *“suspect”* means a designation applied to Cervidae for which laboratory evidence or clinical signs suggest a diagnosis of CWD but for which laboratory results are inconclusive.

“Designated epidemiologist” means a veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the state veterinarian.

“Group” means one or more Cervidae.

“Individual herd plan” means a written herd management and testing plan that is designed by the herd owner, the owner’s veterinarian, if requested, and a designated epidemiologist to identify and eradicate CWD from an affected, exposed, or adjacent herd.

“Monitored CWD cervid herd” means a herd of Cervidae that is in compliance with the CCWDSI program as defined in this rule. Monitored herds are defined as one-year, two-year, three-year, four-year, and five-year monitored herds in accordance with the time in years such herds have been in compliance with the CCWDSI program.

“Official cervid CWD test” means an approved test to diagnose CWD conducted at an official laboratory.

“Official cervid identification” means one of the following:

1. A USDA-approved identification ear tag that conforms to the alphanumeric national uniform ear tagging system as defined in 9 CFR Part 71.1, Chapter 1, revised as of July 21, 2006.
2. A plastic or other material tag that includes the official herd number issued by the USDA, and includes individual animal identification which is no more than five digits and is unique for each animal.
3. A legible tattoo which includes the official herd number issued by the USDA, and includes individual animal identification which is no more than five digits and is unique for each animal.
4. A plastic or other material tag which provides unique animal identification and is issued and approved by the North American Elk Breeders Association.
5. A plastic or other material tag which provides unique animal identification and is issued and approved by the North American Deer Farmers Association.

“Permit” means an official document that is issued by the state veterinarian or USDA area veterinarian-in-charge or an accredited veterinarian for movement of affected, suspect, or exposed animals.

“Quarantine” means an imposed restriction prohibiting movement of cervids to any location without specific written permits.

“State” means any state of the United States; the District of Columbia; Puerto Rico; the U.S. Virgin Islands; or Guam.

“Traceback” means the process of identifying the herd of origin of CCWDSI-positive animals, including herds that were sold for slaughter.

21—64.105(163) Supervision of the cervid CWD surveillance identification program. The state veterinarian’s office will conduct an annual inventory of Cervidae in a herd enrolled in the CCWDSI program.

21—64.106(163) Surveillance procedures. For cervid herds enrolled in this voluntary certification program, surveillance procedures shall include the following:

64.106(1) Slaughter establishments. All slaughtered Cervidae 16 months of age and older must have brain tissue submitted at slaughter and examined for CWD by an approved laboratory. This brain tissue sample will be obtained by a state or federal meat inspector or accredited veterinarian on the premises at the time of slaughter.

64.106(2) Cervid herds. All cervid herds must be under continuous surveillance for CWD as defined in the CCWDSI program.

64.106(3) Identification. All cervid animals must be identified with two forms of official identification. Cervid animals identified with a tattoo must have a second visual form of official identification.

21—64.107(163) Official cervid tests. The following are recognized as official cervid tests for CWD:

1. Histopathology.
2. Immunohistochemistry.

3. Western blot.
4. Negative stain electron microscopy.
5. Bioassay.
6. Any other tests performed by an official laboratory to confirm a diagnosis of CWD.

21—64.108(163) Investigation of CWD affected animals identified through surveillance. Traceback must be performed for all animals diagnosed at an approved laboratory as affected with CWD. All herds of origin and all adjacent herds having contact with affected animals as determined by the CCWDSI program must be investigated epidemiologically. All herds of origin, adjacent herds, and herds having contact with affected animals or exposed animals must be quarantined.

21—64.109(163) Duration of quarantine. Quarantines placed in accordance with these rules shall be removed as follows:

1. For herds of origin, quarantines shall be removed after five years of compliance with rules 64.104(163) through 64.119(163).
2. For herds having contact with affected or exposed animals, quarantines shall be removed after five years of compliance with rules 64.104(163) through 64.119(163).
3. For adjacent herds, quarantines shall be removed as directed by the state veterinarian in consultation with the epidemiologist.

21—64.110(163) Herd plan. The herd owner, the owner's veterinarian, if requested, and the epidemiologist shall develop a plan for eradicating CWD in each affected herd. The plan must be designed to reduce and then eliminate CWD from the herd, to prevent spread of the disease to other herds, and to prevent reintroduction of CWD after the herd becomes a certified CWD cervid herd. The herd plan must be developed and signed within 60 days after the determination that the herd is affected. The plan must address herd management and adhere to rules 64.104(163) through 64.119(163). The plan must be formalized as a memorandum of agreement between the owner and program officials, must be approved by the state veterinarian, and must include plans to obtain certified CWD cervid herd status.

21—64.111(163) Identification and disposal requirements. Affected and exposed animals must remain on the premises where they are found until they are identified and disposed of in accordance with direction from the state veterinarian.

21—64.112(163) Cleaning and disinfecting. Premises must be cleaned and disinfected under state supervision within 15 days after affected animals have been removed.

21—64.113(163) Methods for obtaining certified CWD cervid herd status. Certified CWD cervid herd status must include all Cervidae under common ownership. The animals that are part of a certified herd cannot be commingled with other cervids that are not certified, and a minimum geographic separation of 30 feet between herds of different status must be maintained in accordance with the USDA Uniform Methods and Rules as defined in APHIS Manual 91-45-011, revised as of January 22, 1999. A herd may qualify for status as a certified CWD cervid herd by one of the following means:

64.113(1) Purchasing a certified CWD cervid herd. Upon request and with proof of purchase, the department shall issue a new certificate in the new owner's name. The anniversary date and herd status for the purchased animals shall be the same as for the herd to which the animals are added; or if part or all of the purchased herd is moved directly to premises that have no other Cervidae, the herd may retain the certified CWD status of the herd of origin. The anniversary date of the new herd is the date of the most recent herd certification status certificate.

64.113(2) Upon request and with proof by records, a herd owner shall be issued a certified CWD cervid herd certificate by complying with the CCWDSI program for a period of five years.

21—64.114(163) Recertification of CWD cervid herds. A herd is certified for 12 months. Annual inventories conducted by state veterinarians are required every 9 to 15 months from the anniversary

date. For continuous certification, adherence to the provisions in these rules and all other state laws and rules pertaining to raising cervids is required. A herd's certification status is immediately terminated and a herd investigation shall be initiated if CWD affected or exposed animals are determined to originate from that herd.

21—64.115(163) Movement into a certified CWD cervid herd.

64.115(1) Animals originating from certified CWD cervid herds may move into another certified CWD cervid herd with no change in the status of the herd of destination.

64.115(2) The movement of animals originating from noncertified or lesser status herds into certified CWD cervid herds will result in the redesignation of the herd of destination to the lesser status.

21—64.116(163) Movement into a monitored CWD cervid herd.

64.116(1) Animals originating from a monitored CWD cervid herd may move into another monitored CWD cervid herd of the same status.

64.116(2) The movement of animals originating from a herd which is not a monitored CWD cervid herd or from a lower status monitored CWD cervid herd will result in the redesignation of the herd of destination to the lesser status.

21—64.117(163) Recognition of monitored CWD cervid herds. The state veterinarian shall issue a monitored CWD cervid herd certificate, including CWD monitored herd status as CWD monitored Level 1 during the first calendar year, CWD monitored Level 2 during the second calendar year, CWD monitored Level 3 during the third calendar year, CWD monitored Level 4 during the fourth calendar year, CWD monitored Level 5 during the fifth calendar year, and CWD certification at the completion of the fifth year and thereafter.

21—64.118(163) Recognition of certified CWD cervid herds. The state veterinarian shall issue a certified CWD cervid herd certificate when the herd first qualifies for certification. The state veterinarian shall issue a renewal form annually.

21—64.119(163) Effective period. Rescinded IAB 9/14/05, effective 8/16/05.

These rules are intended to implement Iowa Code chapter 163 and Iowa Code Supplement chapter 170.

21—64.120 to 64.132 Reserved.

[Filed 8/18/00, Notice 7/12/00—published 9/6/00, effective 10/11/00]

[Filed 4/18/03, Notice 2/19/03—published 5/14/03, effective 6/18/03]

[Filed emergency 9/5/03—published 10/1/03, effective 9/5/03]

[Filed 11/7/03, Notice 10/1/03—published 11/26/03, effective 12/31/03]

[Filed emergency 7/2/04—published 7/21/04, effective 7/2/04]

[Filed emergency 9/3/04—published 9/29/04, effective 9/3/04]

[Filed 12/3/04, Notice 9/29/04—published 12/22/04, effective 1/26/05]

[Filed emergency 8/16/05—published 9/14/05, effective 8/16/05]

[Filed 10/2/08, Notice 8/27/08—published 10/22/08, effective 11/26/08]

ERADICATION OF SWINE TUBERCULOSIS

21—64.133(159) Indemnity. Indemnity may be paid for losses incurred by slaughtering establishments in the event native Iowa swine purchased by the establishments for immediate slaughter are determined to have tuberculosis by the official meat inspector at the establishment, subject to laboratory confirmation at the discretion of the department by any laboratory procedure acceptable to the department. Indemnity will be paid by the county of origin of the swine provided that swine shall be identified to the farm of origin located in that county. If no identification can be established on swine no indemnity may be paid.

If the county bovine tuberculosis eradication funds are insufficient, the claim may be filed and may be paid in subsequent years.

Indemnity will be paid to the producer of swine only after proof of cleaning and disinfecting of premises has been established.

If a herd of swine is tested for tuberculosis at program expense authorization must be given by an official of the Iowa department of agriculture and land stewardship.

This rule is intended to implement Iowa Code sections 159.5 and 163.15.

21—64.134(159) Fee schedule.

64.134(1) Injection. Thirty dollars per stop (herd) and two dollars per head.

64.134(2) Reading. Thirty dollars per stop (herd) and one dollar per head.

64.134(3) Tagging. Five dollars for first reactor and one dollar for each additional reactor.

This rule is intended to implement Iowa Code section 159.5(13).

[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.135 to 64.146 Reserved.

[Filed 10/16/73]

[Filed 9/15/78, Notice 7/26/78—published 10/4/78, effective 11/9/78]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10, effective 9/1/10]

PSEUDORABIES DISEASE

21—64.147(163,166D) Definitions. As used in these rules:

“All-in-all-out” means a management system whereby feeder swine are handled in groups kept “separate and apart” from other groups in a production facility. These groups are removed from the production facility with the completely vacated area being cleaned and sanitized prior to the introduction of another group.

“Aujeszky’s disease,” commonly known as pseudorabies, means the disease wherein an animal is infected with Aujeszky’s disease virus, irrespective of the occurrence or absence of clinical symptoms.

“Breeding swine” means boars, sows and gilts used, or intended for use, exclusively for reproductive purposes.

“Department” means the Iowa department of agriculture and land stewardship.

“Exigent circumstances” means an extraordinary situation that the secretary concludes will impose an unjust and undue economic hardship if coupled with the imposition of these rules.

“Fertility center” means a premises where breeding swine are maintained for the purposes of the collection of semen, ovum, or other germplasm and for the distribution of semen, ovum, or other germplasm to other swine herds.

“Herd” means any group of swine maintained for 60 days or more on common ground for any purpose, or two or more groups of swine that have been intermingled without regard to pseudorabies status and are under common ownership or possession and that have been geographically separated within the state of Iowa. Two or more groups of swine are assumed to be one herd, unless an investigation by the epidemiologist has determined that intermingling and contact between groups has not occurred.

“Low incidence state/area” means a state or subdivision of a state with little or no incidence of pseudorabies and which qualifies for Stage III, or higher, and has been designated Stage III, or higher, by the National Pseudorabies Control Board as defined in the State/Federal Industry Program Standards for pseudorabies eradication; or an area outside the United States with a low incidence of pseudorabies determined by at least an equivalent testing protocol as is used to establish Stage III status.

“Native Iowa feeder pig” means a feeder pig farrowed in Iowa, and always located in Iowa.

“Premises” means a parcel of land together with buildings, enclosures and facilities sufficient for swine production.

“Restricted movement” means movement of swine in accordance with 2000 Iowa Acts, Senate File 2312, section 17.

“Vicinity” means a distance less than one-half mile.

21—64.148(163,166C) Pseudorabies tests and reports. Rescinded IAB 9/6/89, effective 10/11/89.

21—64.149(163,166C) Approval of qualified pseudorabies negative herd. Rescinded IAB 9/6/89, effective 10/11/89.

21—64.150(163,166C) Shipment of breeding swine and feeder pigs. Rescinded IAB 9/6/89, effective 10/11/89.

21—64.151(163,166D) Quarantines.

64.151(1) Except for sales to slaughter or to pseudorabies-approved premises, owners of animals tested for pseudorabies shall hold the entire herd on the premises until results are determined.

64.151(2) Infected herds not on an approved cleanup plan. All known pseudorabies infected herds, not on an approved herd cleanup plan, are subject to restricted movement to slaughter according to 64.154(2) “c” and 64.155(8).

64.151(3) Quarantine releasing procedures.

a. A herd of swine shall no longer be classified as a known infected herd after removal of all positive swine and at least one of the following three conditions have been met:

(1) All swine have been removed and the premises have been cleaned and disinfected and maintained free of swine for 30 days or a period of time determined adequate by an official pseudorabies epidemiologist.

(2) All swine seropositive to an official test have been removed and all remaining swine, except suckling pigs, are tested and found negative 30 days or more after removal of the seropositive animals.

(3) All swine seropositive to an official test have been removed, and all breeding swine that remain in the herd and an official random sample consisting of at least 30 animals from each segregated group of grower-finisher swine over two months of age are tested and found negative 30 days or more after removal of the seropositive animals. A second test of grower-finisher swine at least 30 days after the first test is required.

b. In nurseries and finishing herds without any breeding swine and where no pigs are received from quarantined premises, quarantines may be released as follows:

(1) A negative official random-sample test consisting of at least 30 animals from each segregated group, conducted at least 30 days following depopulation with cleaning and disinfection of the premises and 7 days’ downtime, or

(2) A negative official random-sample test consisting of at least 30 animals from each segregated group, conducted at least 30 days following a similar negative official random-sample test.

A similar official random-sample test must then be conducted between 60 and 90 days following quarantine release.

Any quarantine releasing procedure deviating from the above procedures or Iowa Code section 166D.9 must be approved by the official pseudorabies epidemiologist and the state veterinarian.

21—64.152(163,166D) Nondifferentiable pseudorabies vaccine disapproved. The only pseudorabies vaccine or pseudorabies vaccine combination used in this state shall be a differentiable vaccine.

After July 1, 1993, this vaccine must be differentiable by a licensed and approved differentiable pseudorabies test capable of determining gp1 negative swine vaccinated with a gp1 gene deleted vaccine.

21—64.153(166D) Pseudorabies disease program areas.

64.153(1) Pseudorabies disease program areas as declared by the Iowa department of agriculture and land stewardship: all counties in the state of Iowa.

64.153(2) All producers will permit sufficient swine in their herds to be tested at program expense to determine the health status of the herd at intervals during the course of the program as deemed necessary by the department.

The owner shall confine the swine to be tested in a suitable place and restrain them in a suitable manner so that the proper tests can be applied. If the owner refuses to confine and restrain the swine, after reasonable time the department may employ sufficient help to properly confine and restrain them and the expense of such help shall be paid by the owner.

The swine tested shall be sufficient in number, and by method of selection, to quality for the surveillance program required to attain and maintain the program stages according to the most recent "State-Federal-Industry Program Standards" for pseudorabies eradication.

64.153(3) No indemnities will be paid for condemned animals.

64.153(4) Any person possessing swine is required to provide the name and address of the owner or the owner's agent to a representative of the department.

64.153(5) Beginning on October 1, 1999, all swine located within three miles of a pseudorabies-infected herd are required to be vaccinated with an approved pseudorabies vaccine within seven days of notification by a regulatory official. One dose of vaccine shall be administered to growing swine prior to 14 weeks of age or 100 pounds. Swine over six months of age or greater than 200 pounds, used or intended to be used for breeding, shall receive vaccine on a schedule designed to administer at least four doses throughout a 12-month period. The department may require a herd test to monitor both the pseudorabies status and the pseudorabies vaccine status of the herd.

A waiver for this vaccination requirement may be issued by the state veterinarian, based on epidemiological investigation and risk determination. Herd testing, at a level determined by the pseudorabies epidemiologist, will be required as a condition for issuance of a vaccination waiver.

In addition, beginning April 19, 2000, all swine located in a county designated as in Stage II of the national pseudorabies eradication program are required to be vaccinated with a modified-live differentiable vaccine. Breeding swine shall at a minimum receive quarterly vaccinations. Feeder swine shall at a minimum receive one vaccination administered when the swine reach 8 to 12 weeks of age or 100 pounds. These vaccination requirements shall be waived if:

a. The swine are part of a herd's being continuously maintained as a qualified negative herd; or
b. The swine are part of a herd located within a county where both of the following conditions apply:

(1) The department has determined that the county has a six-month history of 0 percent prevalence of pseudorabies infection among all herds in the county, and

(2) All contiguous counties have a 0 percent prevalence of pseudorabies infection among herds in that county.

64.153(6) All premises containing swine which are located in the Stage II area of Iowa must have a monitoring test for the premises conducted between January 1, 2000, and August 31, 2000.

21—64.154(163,166D) Identification.

64.154(1) All breeding and feeder swine being exhibited or having a change of ownership must be identified by a method approved by the Iowa department of agriculture and land stewardship. The identification shall be applied by the owner, the pig dealer, or the livestock dealer at the farm of origin or by the pig dealer or the livestock dealer at the first concentration point.

64.154(2) Approved identification.

a. *Breeding swine.*

(1) Ear tags or tattoos with an alphabetic or numeric system to provide unique identification for each animal.

(2) Ear notches or ear tattoos, if applied according to the standard breed registry system.

(3) Electronic devices, other devices, or marks which, when applied, will permanently and uniquely identify each animal.

(4) Breeding swine qualified to move intrastate without individual tests may move without unique identification of each animal, if they are all identified as a group to the herd of origin by an official premises tattoo.

b. Feeder swine.

(1) Ear tags or tattoos with an alphabetic or numeric system to provide unique identification with each herd, each lot, or each individual swine.

(2) Electronic devices, other devices, or marks which, when applied, will provide permanent identification with each herd, each lot, or each individual swine.

c. Restricted movement swine.

(1) All infected herds not on an approved herd cleanup plan shall only move swine directly to slaughter by restricted movement. All animals from infected herds must move by restricted movement to slaughter (slaughtering plant or fixed concentration point) or to an approved premises detailed in the herd cleanup plan. The department may, until a herd plan is approved and showing progress, require the movement of all slaughter swine by “direct movement,” to slaughter only, by a Permit for Restricted Movement to Slaughter which provides a description of the animals, the owner, the consignee, the date of movement, the destination, and the identification or vehicle seal number if applicable. These “restricted movement to slaughter only swine” shall be individually identified by approved metal ear tags applied at the farm of origin, if required. The transportation vehicle must be sealed at the farm of origin. This seal shall be applied by an accredited veterinarian. This seal shall be removed by an accredited veterinarian, USDA official, department official, or the person purchasing the swine upon arrival of the consignment at the destination indicated on the Permit for Restricted Movement to Slaughter.

The ear tags shall have an alphabetic or numeric numbering system to provide unique identification with each herd, each lot, or each individual swine. They shall be applied prior to movement and listed on the Permit for Restricted Movement to Slaughter, if required. This Permit for Restricted Movement to Slaughter shall be issued and distributed by an accredited veterinarian as follows:

1. Original to accompany shipment.
2. Mail a copy to the department.
3. Veterinarian issuing permit will retain a copy.

(2) The vehicle sealing requirement may be waived by the department. Written application for waiver must be directed to the state veterinarian’s office, and written waivers may be granted for herds in compliance with an approved herd cleanup plan. The minimal requirements for granting a waiver shall be:

1. No clinical disease in the herd for the past 30 days.
2. Complete herd vaccination documentation.
3. Compliance with herd plan testing requirements.
4. Concurrence of herd veterinarian and regulatory district veterinarian.

No waiver shall be granted, and waivers already granted shall be voided, for herds still classified as infected four months from the initial infection date. The department may impose additional requirements on a case-by-case basis.

The department may grant an extension to this waiver for a period of up to four additional months on a case-by-case basis. Written application for waiver extension must be directed to the state veterinarian’s office, and written waivers may be granted for herds in compliance with an approved herd cleanup plan.

64.154(3) Approved ear tags available from the Iowa department of agriculture and land stewardship:

- a.* Pink tags to identify pseudorabies vaccinated swine.
- b.* Silver tags to identify feeder pigs from pseudorabies noninfected herds.
- c.* Blue tags to identify other swine.

64.154(4) Farm-to-farm movement of native Iowa feeder pigs.

a. Native Iowa feeder pigs sold and moved farm-to-farm within the state are exempt from identification requirements if the owner transferring possession and the person taking possession agree in writing that the feeder pigs will not be commingled with other swine for a period of 30 days. The

owner transferring possession shall provide a copy of the agreement to the person taking possession of the feeder pigs.

b. “Moved farm-to-farm” as used in this rule means feeder pigs farrowed and raised in Iowa by a farm owner or operator and sold to another farm owner or operator who agree, in writing, not to commingle these pigs for at least 30 days.

Feeder pigs purchased for resale by a pig dealer cannot be moved farm-to-farm, as described in the above paragraph. They must be accompanied by a Certificate of Veterinary Inspection and be identified.

c. Identification-exempt feeder pigs must originate from a “monitored,” or other “noninfected,” herd. The “monitored herd” number, or other qualifying number, and the date of expiration must also be shown on the Certificate of Inspection.

All identification-exempt feeder pigs aboard the transport vehicle must be from the same farm of origin and be the only pigs aboard. They must be kept in “isolation” and transported by “direct movement” to the farm of destination.

d. The veterinarian will certify, by signature on the Certificate of Inspection, that the above conditions have been met and that the pigs are exempt from the identification requirements and will qualify for movement according to 64.155(4).

64.154(5) Swine being relocated intrastate without a change of ownership are exempt from health certification, identification requirements, and transportation certification except as required by Iowa Code chapter 172B provided relocation records sufficient to determine the origin, the current pseudorabies status of the herd of origin, the number relocated, the date relocated, and destination of the relocated swine are available for inspection.

Swine relocated within a herd held on multiple premises are exempted from this health certification, identification requirement, and transportation certification, except as required by Iowa Code chapter 172B and the above record-keeping requirements.

Relocation records, if required, shall be maintained and available for inspection for a minimum of two years.

64.154(6) This rule should not be construed to implement or affect the identification requirements set down in Iowa Code sections 163.34, 163.35, 163.36, and 163.37. Records of identification applied to slaughter swine at concentration points shall be reported weekly to the department on forms provided by the department.

21—64.155(163,166D,172B) Certificates of inspection. The following certificates shall be used as outlined. All are provided by the department. All require inspection by a licensed accredited veterinarian.

64.155(1) Iowa origin Interstate Certificates of Veterinary Inspection shall be used for exporting breeding swine or feeder swine out of the state.

64.155(2) Intrastate Certificates of Veterinary Inspection shall be used for the following movements:

a. The intrastate movement of feeder swine, with a change of ownership, originating from noninfected herds requires approved identification and noninfected herd identification number, showing the date of last test on a Certificate of Veterinary Inspection. The feeder swine shall be quarantined for 30 days.

b. The intrastate movement, with a change of ownership, of breeding swine from nonquarantined herds requires approved identification and noninfected herd number, or individual test results and dates tested included on a Certificate of Veterinary Inspection only. The breeding swine shall be quarantined for 30 days.

c. The concentration points to farm movement of feeder swine originating from noninfected herds requires approved identification and herd identification number and date tested included on a Certificate of Veterinary Inspection. The feeder swine shall be quarantined for 30 days.

d. The concentration point to farm intrastate movement of noninfected breeding swine from nonquarantined herds requires approved identification and noninfected herd number or individual test results and dates tested included on a Certificate of Veterinary Inspection. The breeding swine shall be quarantined for 30 days.

e. The farm to an approved premises or from a concentration point to an approved premises movement of feeder swine requires approved identification and approved premises number to be included on a Certificate of Veterinary Inspection. A statement, "Quarantined until slaughter," shall be included on a Certificate of Veterinary Inspection.

f. Movement of exhibition swine to an exhibition when a certificate is required must be with a Certificate of Veterinary Inspection.

64.155(3) QLSM certificate. A QLSM certificate shall be used when moving swine under restricted movement and quarantined until moved to slaughter. The certificate shall be used for the following movements:

a. Movement of feeder swine from quarantined herds to approved premises. Approved identification and approved premises number shall be included on the certificate. The swine are quarantined to slaughter or can be moved to another approved premises on a certificate of inspection.

b. Movement of feeder swine from herds of unknown status, feeder pig cooperator herd plans, or herd cleanup plans. Approved identification shall be included on the certificate. This certificate is used for farm-to-farm or concentration point to farm movements.

64.155(4) A Farm-to-Farm Certificate of Veterinary Inspection or an Intrastate Certificate of Veterinary Inspection shall be used for moving identification-exempt native Iowa feeder pigs farm-to-farm according to 64.154(4) "b." Feeder swine purchased for resale by a pig dealer must be identified and accompanied by a Certificate of Inspection.

64.155(5) Import Interstate Certificates from out-of-state origins shall accompany shipments of breeding swine and feeder swine into Iowa.

a. Feeder swine: If a state of origin does not issue a monitored herd number, then the certificate shall include the statement, "These pigs are from a noninfected herd and the date of last test was _____," or "These pigs are from a monitored herd tested within the last 12 months. Date of last test was _____." The certificate shall include the following statement: "These feeder pigs are quarantined until moved to slaughter."

b. Breeding swine: Individual test results and date tested or noninfected herd number and date of last test shall be included on the certificate.

c. Feeder swine from low incidence state/area of origin. The certificate shall include the following statements, "These pigs were born and raised in the state/area of _____," (state/area name) and "These feeder pigs are quarantined until moved to slaughter."

d. Beginning January 1, 1998, all imported feeder swine, except those from qualified negative herds entering qualified negative herds, must be vaccinated for pseudorabies with a G1 deleted vaccine within 45 days of arrival if imported into a county with a pseudorabies prevalence greater than 3 percent. This requirement must be stated on the import interstate certificate. Imported swine consigned directly to slaughter are exempt from vaccination requirements.

64.155(6) Slaughter affidavits shall accompany all shipments of feeder swine or finished swine from concentration points moving direct to slaughter.

64.155(7) Transportation certificate. This certificate involves shipments of swine from farm or approved premises moving direct to slaughter as detailed in Iowa Code chapter 172B. Veterinary inspection not required.

64.155(8) Rescinded IAB 10/22/97, effective 10/1/97.

21—64.156(166D) Noninfected herds.

64.156(1) *Qualified pseudorabies negative herd—recertification.*

a. Recertification of a qualified pseudorabies negative herd and a qualified differential negative herd shall be by monthly testing, as detailed in Iowa Code section 166D.7(1) "a."

b. The status of a qualified pseudorabies negative herd will be revoked if:

- (1) A positive test is recognized and interpreted by a pseudorabies epidemiologist as infected.
- (2) Pseudorabies infection is diagnosed.
- (3) Recertification testing is not done on time.
- (4) Inadequate number of animals are tested.

(5) Once a qualified pseudorabies negative herd is decertified, the herd must meet all requirements of Iowa Code section 166D.7, to recertify as a qualified pseudorabies negative herd.

64.156(2) Iowa monitored feeder pig herd.

a. Test requirements for a monitored feeder pig herd status include a negative herd test every 12 months of randomly selected breeding animals according to the following schedule:

1-10 head	Test all
11-35 head	Test 10
36 or more	Test 30 percent or 30, whichever is less.

Effective July 1, 2000, all breeding herd locations in Stage II counties must have a monitored or better status or move by restricted movement.

b. A monitored identification card will be sent by first-class mail to the herd owner shown on the test chart if test results qualify the herd as monitored. An expiration date which is 12 months from the date that the certifying tests were drawn will be printed on the card.

It is the owner's responsibility to retest the herd annually. The monitored status is voided on the date of expiration. A monitored herd status is revoked if:

(1) A positive test is recognized and interpreted by a pseudorabies epidemiologist and interpreted as infected.

(2) Pseudorabies infection is diagnosed.

(3) Recertification test is not done on time.

(4) Not enough tests, according to herd size and vaccination status, are submitted.

c. Additions of swine to a monitored herd shall be from noninfected herds, according to Iowa Code section 166D.7.

d. Feeder pigs sold for further feeding require a monitoring test conducted within the six months prior to movement if the feeder pigs have been maintained on the same site as the breeding herd.

e. Monitored, or higher, status feeder pigs sold may regain, and maintain, monitored status by a negative test of all or a random sample of 30 head of each segregated group, whichever is less, within 30 days prior to resale.

f. Nursery units located in Stage II counties and not in the vicinity of the breeding herd are required to maintain a monitored status on the nursery unit in order for the swine to be eligible to be relocated to a finishing premises. Feeder pigs sold from these nursery units must meet the requirements of a negative test of all or a random sample of 30 head of each segregated group, whichever is less, within 30 days prior to sale. An official random-sample test shall be required for each segregated group of swine on an individual premises every 12 months for the maintenance of this monitored status. These testing requirements apply to swine eligible for relocation movement. Testing requirements for this random sampling are:

Test 10 head per building, minimum 14 head per site.

Effective July 1, 2000, all nursery locations in Stage II counties must have a monitored or better status or move by restricted movement.

g. Off-site finishing units located in the Stage II counties are required to maintain a monitored status on the finishing unit in order for the swine to be eligible to be sold to slaughter. An official random-sample test will be required for each segregated group of swine on an individual premises every 12 months for the maintenance of this monitored status. These testing requirements also apply to swine eligible for relocation movement. Testing requirements for this random sampling are:

Test 10 head per building, minimum 14 head per site.

Effective July 1, 2000, all finishing locations in Stage II counties must have a monitored or better status or move by restricted movement.

h. Relocation, and sales to slaughter, require a 12-month monitoring test.

64.156(3) *Qualified differentiable negative herd—recertification.*

a. Recertification of a qualified differentiable negative herd will include monthly testing, as detailed in Iowa Code section 166D.7. A minimum of five breeding swine or 10 percent of the breeding herd, whichever is greater, must be tested each month.

b. The status of a qualified differentiable negative herd will be revoked if:

- (1) A positive test is recognized and interpreted by a pseudorabies epidemiologist as infected.
- (2) Pseudorabies infection is diagnosed.
- (3) Recertification testing is not done on time.
- (4) Inadequate number of animals are tested.

(5) Once a qualified differentiable negative herd is decertified, the herd must meet all requirements in Iowa Code section 166D.7 to recertify as a qualified differentiable negative herd.

64.156(4) *Maintaining qualified negative status (progeny).* Progeny from qualified negative (unvaccinated) or from qualified negative (vaccinated) herds moved to a facility not within the vicinity of the herd of origin and unexposed to lesser status swine may maintain qualified negative status by a monthly negative test of 10 percent or 60 head, whichever is less, of swine that have been on the premises for at least 30 days.

64.156(5) *Other qualified pseudorabies negative herds.* Any breeding herd in a Stage IV or V State/Area or an area outside the United States with a low incidence of pseudorabies equivalent to a Stage IV or V State/Area is recognized as a qualified pseudorabies negative herd.

64.156(6) *Fertility centers.* Breeding swine in a fertility center shall attain a “noninfected herd” status by an initial negative test of all breeding swine in the center. This status shall be maintained by a monthly negative test of a random sample of five head or 10 percent, whichever is greater, of the swine at the center. All additions of swine to the fertility center must originate from a “noninfected” herd, must be placed in isolation for 30 days or more, and must test negative for pseudorabies 20 days or more after being isolated.

a. Semen and germplasm must be identified to the fertility center of origin.

b. Imported semen or germplasm must originate from a fertility center, or “noninfected” herd, with requirements at least equivalent to the above, and be identified to the fertility center.

21—64.157(166D) Herd cleanup plan for infected herds (eradication plan).

64.157(1) The herd cleanup plan shall be a written plan approved and on file with the department.

64.157(2) The herd cleanup plan shall contain:

- a.* Owner’s name, location and herd number.
- b.* Type of herd plan selected, e.g., offspring segregation, test and removal, depopulation.
- c.* Description of the plan, which shall include the following requirements:

(1) The breeding herd shall be maintained on an approved vaccination program, at least four times per year;

(2) The progeny shall be weaned and segregated by five weeks of age or less, and progeny group isolation shall be maintained according to the terms of the herd plan;

(3) The herd must be visited on a regular basis (at least quarterly) by the herd veterinarian to monitor progress of the herd cleanup plan. This will include monthly testing if applicable, overseeing management procedures which may include all-in, all-out swine movement, ventilation, sanitation, disinfection, and vaccine handling;

(4) Vaccine shall be administered to the progeny swine at least once, or more often if required by the herd plan;

(5) Feeder pig movement or relocation from the premises of origin must be detailed in writing in the herd cleanup plan. Feeder pig movement or relocation from the premises of origin will only be allowed to approved premises and must be detailed in writing in the herd cleanup plan. Movement will not be allowed from the herd if the herd has experienced clinical symptoms of pseudorabies in the past 30 days. Effective April 19, 2000, all movements from infected premises shall be by restricted movement. “Movement” in this paragraph includes movement to a premises in the production system not in the vicinity of the current location, irrespective of whether there is a change of ownership;

(6) Culled breeding swine must move by restricted movement directly to slaughter (slaughtering plant or fixed concentration point) or to an approved premises in compliance with Iowa Code section 166D.10 as amended by 2000 Iowa Acts, Senate File 2312, section 16, and as detailed in the herd cleanup plan. No swine moved from infected herds may be represented as breeding swine;

(7) Herds identified as infected on or after August 1, 1999, with breeding swine, shall implement a test and removal herd cleanup plan which allows for the phased test and removal of bred animals for one farrowing cycle, followed by a whole herd test and removal plan. Effective August 1, 2000, a whole herd test and removal plan shall be implemented for all infected breeding herds. The herd plan shall include the following:

1. All breeding swine, including boars, shall be tested within 14 days of the herd's being classified as infected. Testing shall also include progeny, if applicable.

2. All breeding swine must be identified by an approved ear tag, or other approved identification method, at the time of blood collection.

3. Until August 1, 2000, all seropositive, unbred breeding swine must be removed from the herd by restricted movement, direct to slaughter (slaughtering plant or fixed concentration point), within 15 days after blood collection. All seropositive, bred swine must be removed from the herd by restricted movement, direct to slaughter (slaughtering plant or fixed concentration point), within 15 days of weaning. All replacement breeding stock must be vaccinated prior to addition into the herd and must be retested 60 days after entry into the herd. Effective August 1, 2000, all seropositive animals, bred or unbred, must be removed from the herd by restricted movement, direct to slaughter (slaughtering plant or fixed concentration point), within 15 days of the whole herd test. All known positive animals in the herd on August 1, 2000, must be removed from the herd by restricted movement, direct to slaughter (slaughtering plant or fixed concentration point), by August 15, 2000.

4. A whole herd test shall be required within 30 days after the removal of the last known positive animal. Any additional seropositive animals must be removed from the herd by restricted movement, direct to slaughter, within 15 days of the collection date. Whole herd retests shall be required at 30-day intervals, with removal of positive animals within 15 days of the test, until it has been determined that the herd is noninfected.

5. Seropositive swine must be removed from the herd, by restricted movement, direct to a buying station or to a slaughtering establishment.

All swine movement from infected herds must be by restricted movement directly to slaughter or to an approved premises as detailed in the herd cleanup plan.

When a herd is designated a noninfected herd, or has been depopulated, by procedures detailed in Iowa Code section 166D.9, the plan is completed;

(8) Beginning October 1, 1999, a herd cleanup plan shall be implemented for all infected finishing herds which shall include the following:

1. A description of the premises, including the location, capacity, physical layout, owner's name, and herd number.

2. Vaccination requirements:

- Every animal, unless such animal is within three weeks of anticipated slaughter, must be vaccinated with an approved pseudorabies vaccine within seven days of notification by a regulatory official.

- New animals introduced into the infected premises are to be vaccinated with an approved pseudorabies vaccine according to the timetable outlined in the herd plan.

- If, through subsequent testing, additional buildings on the site are determined to be infected, all swine on the site shall be managed by all-in, all-out production.

3. Testing requirements:

- A minimum of 14 swine, selected randomly, per building, shall be tested immediately.

- Swine shall be retested, at a minimum of 14 animals, selected randomly, per building, every 45 days, if necessary, until the premises are determined to be noninfected.

4. Description, restrictions, and requirements of pig flow through the facilities.

5. All movements from infected finishing sites shall be by restricted movement and only to slaughter.

d. Specific movement limitations which may include approved destination locations, “restricted movement to slaughter,” or other appropriate animal movement control measures.

e. Signatures of the herd owner, the owner’s veterinarian, and the epidemiologist or the epidemiologist’s representative.

64.157(3) Rescinded IAB 10/22/97, effective 10/1/97.

64.157(4) Rescinded IAB 10/22/97, effective 10/1/97.

64.157(5) If this herd cleanup plan is not followed, is discontinued, or is not progressing in a satisfactory manner as determined by the department, the herd is a quarantined herd and is subject to “restricted movement to slaughter,” according to 2000 Iowa Acts, Senate File 2312, section 17, until a new and approved cleanup plan is in place and showing progress according to a designated epidemiologist.

64.157(6) Rescinded IAB 10/22/97, effective 10/1/97.

64.157(7) A deviation from a herd cleanup plan may be used in exigent circumstances if the deviation has the approval, in writing, of the epidemiologist and the state veterinarian.

21—64.158(166D) Feeder pig cooperator plan for infected herds.

64.158(1) A feeder pig cooperator plan shall be a written plan approved and on file with the department.

64.158(2) Feeder Pig Cooperator Plan Agreement—revised effective April 1, 1995.

Feeder Pig Cooperator Plan Agreement—Revised

Date:

Herd I.D. Number:

Owner’s Name:

Address:

Telephone Number:

The Feeder Pig Cooperator Plan Agreement shall include the following:

1. The herd has not experienced clinical signs of pseudorabies within the previous 30 days.
2. Maintain the breeding herd on an approved vaccination program, at least four times per year.
3. Wean and segregate progeny by five weeks of age or less and maintain progeny group isolation until moved as feeder pigs.

4. The herd must be visited at least quarterly by the herd veterinarian to monitor progress of herd cleanup plan; this shall include quarterly testing, if applicable, overseeing management procedures including all-in, all-out swine movement, ventilation, animal waste handling, sanitation, disinfection and vaccine handling.

5. Feeder pigs may be marketed or moved intrastate as cooperator pigs by restricted movement to approved premises detailed in the herd cleanup plan provided that all requirements of this plan are followed.

6. All feeder pigs must be vaccinated prior to sale. Vaccine shall be administered according to individual’s herd plan.

7. All feeder pigs must be identified prior to sale with an official pink feeder pig ear tag, or a tattoo, approved by the department, beginning with the letters PR. All movement of feeder pigs from the herd shall be by restricted movement and only be allowed to approved premises detailed in the herd cleanup plan. All feeder pigs are quarantined to farm of destination until sold to slaughter. Movement to slaughter must be by restricted movement.

8. Breeding swine shall move directly to slaughter, or an approved premises in compliance with Iowa Code section 166D.10 as amended by 2000 Iowa Acts, Senate File 2312, section 16, and as detailed in the herd cleanup plan, and by restricted movement. No swine from infected herds may be represented as breeding swine.

9. The producer shall maintain a record of all test charts, all sales transactions by way of health certificates or restricted movement permits, and vaccine purchases for at least two years. These records shall be available to department officials upon request.

10. When this herd is determined, through procedures as detailed in Iowa Code section 166D.9, to become a noninfected herd or is depopulated, the plan is completed.

11. I agree, if this plan is not followed, is discontinued, or is not progressing in a satisfactory manner as determined by the department, the herd is a quarantined herd and subject to restricted movement, direct to slaughter or to an approved premises.

I am currently enrolled in an approved herd cleanup plan. I further agree to comply with all the requirements contained in this Feeder Pig Cooperator Plan Agreement.

Herd Owner:

Date:

Herd Veterinarian:

Date:

21—64.159(166D) Herds of unknown status. Feeder pigs from herds of unknown status may not move after September 30, 1993; however, these herds may test to determine status and feeder pigs may be moved according to 64.156(1), 64.156(2), 64.156(3), 64.157(3), or 64.158(2).

The owner must provide test data, prior to movement, proving that these requirements have been met.

21—64.160(166D) Approved premises. The purpose of an approved premises is to maintain feeder swine and feeder pigs under quarantine with movement either direct to slaughter or to another approved premises. Effective June 1, 2000, all swine moved or relocated from an infected herd on an approved herd cleanup plan may only move by restricted movement to an approved premises for further feeding or to slaughter (slaughtering plant or fixed concentration point).

64.160(1) The following are requirements establishing, renewing, or revoking an approved premises permit:

a. A permit application, as part of the herd cleanup plan, must indicate the name of the premises operator and address of the premises.

b. To be valid, an approved premises must be detailed as part of a herd cleanup plan and approved by a department or inspection service official certifying that the facility meets the following guidelines:

(1) Must be a dry lot facility located in an area of confirmed cases of pseudorabies.

(2) Shall not be in the vicinity of a breeding herd. Effective June 1, 2000, an approved premises shall not be located in a county designated as in Stage III of the national pseudorabies eradication program, nor shall it be located in a county which has achieved 0 percent prevalence of pseudorabies infection among all herds in the county as of March 1, 2000, or later. Effective August 1, 2000, an approved premises shall not be located within one and one-half miles of a noninfected herd or three miles of a qualified negative herd.

(3) Shall be built such that it can be thoroughly cleaned and disinfected.

(4) The lay of the land or the facilities shall not be conducive to animal waste draining onto adjacent property.

(5) Only feeder swine and cull swine may be moved onto this premises. Boars and sows are to be maintained separate and apart.

(6) Swine on the premises must be maintained in isolation from other livestock.

c. The permittee must provide to the department or inspection service, during normal business hours, access to the approved premises and to all required records. Records of swine transfers must be kept for at least one year. The records shall include information about purchases and sales, names of buyers and sellers, the dates of transactions, and the number of swine involved with each transaction.

d. Swine must be vaccinated for pseudorabies according to the herd cleanup plan. Vaccination records must be available for inspection during normal business hours.

e. Dead swine must be disposed of in accordance with Iowa Code chapter 167. The dead swine must be held so as to prevent animals, including wild animals and livestock, from reaching the dead swine.

f. Swine must be moved direct to slaughter or to another approved premises by restricted movement and as detailed in the herd cleanup plan.

g. An approved premises permit may be revoked by following quarantine release methods as detailed in Iowa Code section 166D.9, or failure to comply with departmental operation rules, or if swine have been removed from the premises for a period of 12 or more months.

h. Renewal of an approved premises will not be permitted when:

- (1) The approved premises is not compliant with the requirements of this rule.
- (2) Federal law prohibits approved premises.

(3) The approved premises no longer is part of an approved herd cleanup plan, or the county where the approved premises is located no longer allows approved premises or the site of the approved premises no longer complies with requirements.

i. Revocation of an approved premises will result in the issuance of a quarantine by the department effective until quarantine release methods have been followed as detailed in Iowa Code section 166D.9, or the approved premises has been depopulated by restricted movement to slaughter or to another approved premises as detailed in the herd cleanup plan.

64.160(2) An approved premises will be considered permitted as long as the approved premises is compliant with all regulations and is part of an approved herd cleanup plan.

21—64.161(166D) Sales to approved premises. After June 1, 2000, all feeder pigs and cull swine except those from “noninfected herds” must be moved directly to an approved premises by restricted movement for further feeding; however, these pigs may continue to move as cooperator pigs if a “Feeder Pig Cooperator Plan Agreement—Revised” is approved by the department and movement is permitted by the department.

21—64.162(166D) Certification of veterinarians to initiate approved herd cleanup plans and approved feeder pig cooperator plan agreements and fee basis.

64.162(1) Requirements for certification. To be certified, the veterinarian shall meet both of the following requirements:

a. Be an accredited veterinarian.

b. Attend and complete continuing education sessions as determined by the Iowa pseudorabies advisory committee and the department.

64.162(2) Responsibilities. A certified veterinarian is authorized to do the following:

a. Complete and submit herd plan and herd agreement forms (supplied by the department) within ten days of completion for approval by the department.

b. Review and update herd plans and herd agreements and report to the department any changes made.

64.162(3) Revocation of certification. Failure to comply with the above requirements of this rule will result in revocation of certification.

64.162(4) Remuneration. Compensation will be made to the veterinarian or veterinarians certified to initiate herd plans and herd agreements. Payment will be made from pseudorabies program funds, if available and authorized for these purposes. Fees for payment shall be approved by the advisory committee and established by the department by order. Payment will be made for the following:

a. Initial herd cleanup plan with or without an accompanying feeder pig cooperator agreement. Payment will be made upon submission of the completed form and department approval of the plan.

b. Review of herd cleanup plan. Payment will be made upon submission of the completed form and department approval of the plan review.

c. Upon completion of the herd cleanup plan and release of the infected status, the veterinarian will receive a payment.

d. All other herd consultation or time devoted to herd plan implementation shall be at owner's expense.

64.162(5) Fee basis. The following fees are allocated to the testing veterinarian when approved by the department, provided funding is available:

- a. Herd stop fee per stop not to exceed four stops per year.
- b. Bleeding fee per animal, not to exceed 100 tests per herd, per year.
- c. Differentiable vaccine reimbursement per dose, when dispensed during the first 24 months from the date of initial program area designation. Doses of pseudorabies differentiable vaccine are dispensed to infected herds on approved cleanup plans, based upon date of herd plan approval, according to the number of breeding swine.
- d. Fees for additional herd stops and tests may be allocated by approval from the department.

21—64.163(166D) Nondifferentiable pseudorabies vaccine disapproved. Transferred and amended, see 21—64.152(163,166D), IAB 8/19/92.

These rules are intended to implement Iowa Code chapters 163 and 166D.

21—64.164 to 64.169 Reserved.

- [Filed emergency 6/30/77—published 7/27/77, effective 6/30/77]
- [Filed emergency 7/22/77—published 8/10/77, effective 7/22/77]
- [Filed emergency 9/2/77—published 9/21/77, effective 9/2/77]
- [Filed 9/2/77, Notice 7/27/77—published 9/21/77, effective 10/26/77]
- [Filed emergency 9/29/77—published 10/19/77, effective 9/29/77]
- [Filed emergency 11/18/77—published 12/14/77, effective 11/18/77]
- [Filed emergency 11/22/77—published 12/14/77, effective 11/22/77]
- [Filed 5/3/78, Notice 3/22/78—published 5/31/78, effective 7/5/78]
- [Filed emergency 8/25/78—published 9/20/78, effective 8/25/78]
- [Filed emergency 9/7/78—published 9/20/78, effective 9/20/78]
- [Filed emergency 11/1/78, after Notice 9/20/78—published 11/15/78, effective 11/1/78]
- [Filed 12/3/82, Notice 10/27/82—published 12/22/82, effective 1/26/83]
- [Filed 1/13/84, Notice 2/7/83—published 2/1/84, effective 3/7/84]
- [Filed 5/24/88, Notice 4/20/88—published 6/15/88, effective 7/20/88]¹
- [Filed emergency 9/13/88—published 10/5/88, effective 9/13/88]
- [Filed emergency 9/29/88—published 10/19/88, effective 9/29/88]
- [Filed 1/20/89, Notice 10/19/88—published 2/8/89, effective 3/15/89]²
- [Filed emergency 6/23/89—published 7/12/89, effective 7/1/89]
- [Filed 8/18/89, Notice 7/12/89—published 9/6/89, effective 10/11/89]
- [Filed emergency 6/7/91 after Notice 5/1/91—published 6/26/91, effective 7/1/91]
- [Filed 3/27/92, Notice 2/19/92—published 4/15/92, effective 5/20/92]
- [Filed 7/29/92, Notice 6/24/92—published 8/19/92, effective 9/23/92]
- [Filed 9/10/92, Notice 8/5/92—published 9/30/92, effective 11/4/92]
- [Filed 3/29/93, Notice 2/17/93—published 4/14/93, effective 5/19/93]
- [Filed 7/1/93, Notice 5/26/93—published 7/21/93, effective 8/25/93]
- [Filed 12/1/94, Notice 10/26/94—published 12/21/94, effective 1/25/95]³
- [Filed emergency 10/1/97 after Notice 8/27/97—published 10/22/97, effective 10/1/97]
- [Filed 7/22/98, Notice 6/17/98—published 8/12/98, effective 9/16/98]
- [Filed 8/5/99, Notice 6/2/99—published 8/25/99, effective 10/1/99]
- [Filed 1/21/00, Notice 12/15/99—published 2/9/00, effective 3/15/00]
- [Filed emergency 7/6/00 after Notice 5/31/00—published 7/26/00, effective 7/6/00]
- [Filed emergency 1/3/03—published 1/22/03, effective 1/3/03]
- [Filed 3/6/03, Notice 1/22/03—published 4/2/03, effective 5/7/03]

PARATUBERCULOSIS (JOHNE'S) DISEASE

21—64.170(165A) Definitions. Definitions used in rules 21—64.170(165A) through 21—64.178(165A) are as follows:

“Accredited veterinarian” means a veterinarian approved by the deputy administrator of veterinary services, Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), and the state veterinarian in accordance with Part 161 of Title 9, Chapter 1 of the Code of Federal Regulations, revised as of January 1, 2000, to perform functions required by cooperative state-federal animal disease control and eradication programs.

“Approved laboratory” means an American Association of Veterinary Laboratory Diagnosticians (AAVLD) accredited laboratory or the National Veterinary Services Laboratory, Ames, Iowa. An approved laboratory must have successfully passed the Johne's diagnostic proficiency test in the previous year.

“Certificate” means an official document that is issued at the point of origin by a state veterinarian, federal animal health official, or accredited veterinarian and contains information on the individual identification of each animal being moved, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, and any other information required by the state veterinarian.

“Designated epidemiologist” means a veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the state veterinarian.

“Individual herd plan” means a written herd management plan that is designed by the herd owner, the owner's veterinarian, if requested, and a designated epidemiologist to identify and control Johne's disease in an affected herd. The individual herd plan may include optional testing.

“Johne's disease-affected animal” means an animal which has reacted positively to an organism-based detection test conducted by an approved laboratory.

“Permit” means an official document for movement of affected or exposed animals that is issued by the state veterinarian, USDA Area Veterinarian-in-Charge, or accredited veterinarian.

“State” means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or Guam.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.171(165A) Supervision of the Johne's disease program. The state veterinarian's office will provide supervision for the Johne's disease program.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.172(165A) Official Johne's disease tests. Organism-based detection tests will be considered as official Johne's disease tests. These tests include, but are not limited to, Polymerase Chain Reaction (PCR) tests and bacteriological culture.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.173(165A) Vaccination allowed. Vaccination against Johne's disease is allowed with the permission of the state veterinarian. The herd owner requesting vaccination of the herd must sign and follow a Johne's disease herd control plan consisting of best management practices designed to prevent the introduction of and control the spread of Johne's disease. A risk assessment may be included as part of the herd control plan. The herd owner shall submit animal vaccination reports to the department on forms provided by the department.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.174(165A) Herd plan. The herd owner, the owner's veterinarian, if requested, and the designated epidemiologist may develop a plan for preventing the introduction of and controlling the spread of Johne's disease in each affected herd.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.175(165A) Identification and disposal requirements. Affected animals must remain on the premises where they are found until they are permanently identified by an accredited veterinarian applying a C-punch in the right ear of the animal. Affected animals may be moved only for the purpose of consigning the animal to slaughter.

21—64.176(165A) Segregation, cleaning, and disinfecting. Positive animals, consigned to slaughter through a state-federal approved auction market, must be maintained separate and apart from noninfected animals. Positive animals must be the last class of animal sold. Cleaning and disinfection of the alleyways, pen(s) and sale ring used to house positive animals must be accomplished prior to the next scheduled sale. Affected animals entering slaughter marketing channels must be moved directly to the slaughter facility or the slaughter market concentration point. Transportation vehicles used to haul affected animals shall be cleaned and disinfected after such use and before transporting any additional animals.

21—64.177(165A) Intrastate movement requirements.

64.177(1) Animals that are positive to an official Johnne's disease test may be moved from the farm of origin for slaughter only if the animals are moved directly to a recognized slaughtering establishment and accompanied by an owner-shipper statement that identifies the animals as positive to an official Johnne's disease test and the statement is delivered to the consignee. Positive animals shall be identified prior to movement by application of a C-punch in the right ear of the animal.

64.177(2) Animals that are positive to an official Johnne's disease test may be moved within Iowa for slaughter and consigned to a state-federal approved slaughter market if the animals are accompanied by an owner-shipper statement that identifies the animals as positive to an official Johnne's disease test and the statement is delivered to the consignee. Positive animals shall be identified prior to movement by application of a C-punch in the right ear of the animal.

64.177(3) Animals that are positive to an official Johnne's disease test may be moved within Iowa for purposes other than slaughter only by permit from the state veterinarian.
[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.178(165A) Import requirements.

64.178(1) Animals that are positive to an official Johnne's disease test may be imported into Iowa for slaughter if the animals are moved directly to a recognized slaughtering establishment and accompanied by an owner-shipper statement that identifies the animals as positive to an official Johnne's disease test and the statement is delivered to the consignee. All animals must be officially identified.

64.178(2) Animals that are positive to an official Johnne's disease test may be imported into Iowa for slaughter and consigned to a state-federal approved slaughter market if the animals are accompanied by an owner-shipper statement that identifies the animals as positive to an official Johnne's disease test and the statement is delivered to the consignee. Positive animals shall be identified at the market, prior to sale, by application of a C-punch in the right ear of the animal.

64.178(3) Animals that are positive to an official Johnne's disease test may be imported into Iowa for purposes other than slaughter only by permit from the state veterinarian.
[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.179 to 64.184 Reserved.

These rules are intended to implement Iowa Code Supplement chapter 165A.

[Filed 3/28/02, Notice 2/6/02—published 4/17/02, effective 5/22/02]

[Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

LOW PATHOGENIC AVIAN INFLUENZA (LPAI)

21—64.185(163) Definitions. Terms used in these rules are defined as follows:

“Affected poultry flock” means a poultry flock from which any animal has been diagnosed as infected with LPAI and which is not in compliance with the provisions of the control program for LPAI as described in this chapter.

“Approved laboratory” means the Iowa State University Veterinary Diagnostic Laboratory, Ames, Iowa, or other American Association of Veterinary Laboratory Diagnosticians (AAVLD) accredited laboratory, including the National Veterinary Services Laboratory, Ames, Iowa.

“Designated epidemiologist” means a state veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the state veterinarian.

“House/housing facilities” means the individual barn that houses the poultry.

“Individual flock plan” means a written flock management and testing plan that is designed by the flock owner, the owner’s veterinarian, if requested, and a designated epidemiologist to identify and eradicate LPAI from an affected or exposed flock and to prevent the spread of the disease to an adjacent flock.

“Low pathogenic avian influenza (LPAI)” means an infectious, contagious disease of poultry caused by Type A influenza virus. For the purposes of these rules, LPAI shall include only subtypes identified as H5 or H7.

“LPAI affected” means a designation applied to poultry diagnosed as infected with LPAI based on laboratory results, clinical signs, or epidemiologic investigation.

“LPAI suspect” means a designation applied to poultry for which laboratory evidence or clinical signs suggest a diagnosis of LPAI but for which laboratory results are inconclusive.

“Monitored LPAI poultry flock” means a flock of poultry that is in compliance with the surveillance and testing procedures set forth in these rules.

“Official avian influenza test” means an approved test conducted at a laboratory approved to diagnose avian influenza.

“Poultry” means commercial egg-laying and meat-producing chickens and commercial turkeys. “Poultry” also means breeder flocks.

“Poultry flock” means a group of poultry, generally of the same age, that are hatched, housed, managed, and sold together as one unit.

“Quarantine” means an imposed restriction prohibiting movement of poultry to any location without specific written permits.

“Slaughter/disposal” means the removal or depopulation of the poultry flock.

21—64.186(163) Supervision of the low pathogenic avian influenza program. The state veterinarian’s office shall provide oversight and supervision of the LPAI program in Iowa.

21—64.187(163) Surveillance procedures. Surveillance procedures shall only apply to commercial poultry flocks of 10,000 or more layers, commercial chicken broiler operations with 10,000 or more broilers, and commercial turkey operations with 1,000 or more turkeys. Breeders that participate in, and qualify under, the USDA, APHIS, NPIP U.S. Avian Influenza Clean Program meet or exceed the surveillance provisions of this plan and are exempt from further certification under this rule. For poultry flocks, surveillance procedures shall include the following:

64.187(1) Turkeys and turkey poults.

a. *Preslaughter/movement testing.* A minimum of 15 blood samples may be collected and forwarded to an approved laboratory for LPAI testing within 21 days prior to depopulation or movement; or

b. *Slaughter/disposal testing.* Twenty blood samples shall be collected at slaughter/disposal and forwarded to an approved laboratory for LPAI testing.

c. *Sick flock testing.* Twenty blood samples shall be collected between 10 days and 21 days after the onset of respiratory disease and forwarded to an approved laboratory for LPAI testing, and 20 pharyngeal swabs shall be collected at onset of respiratory disease and forwarded to an approved laboratory for LPAI testing.

d. Routine serologic testing. A test for LPAI should be included.

64.187(2) Laying chickens and pre-lay pullets.

a. Preslaughter/disposal/movement testing. Fifteen blood samples shall be collected and forwarded to an approved laboratory for LPAI testing within 30 days prior to depopulation or disposal of spent hens or movement of pre-lay pullets to another farm.

b. Sick flock testing. Twenty blood samples shall be collected between 10 days and 21 days after the onset of respiratory disease and forwarded to an approved laboratory for LPAI testing, and 20 pharyngeal swabs shall be collected at onset of respiratory disease and forwarded to an approved laboratory for LPAI testing.

c. Routine serologic testing. A test for LPAI should be included.

64.187(3) Broiler chickens.

a. Preslaughter testing. Twenty blood samples may be collected and forwarded to an approved laboratory for LPAI testing within 21 days prior to depopulation; or

b. Slaughter/disposal testing. Twenty blood samples shall be collected at slaughter/disposal and forwarded to an approved laboratory for LPAI testing.

c. Sick flock testing. Twenty blood samples shall be collected between 10 days and 21 days after the onset of respiratory disease and forwarded to an approved laboratory for LPAI testing, and 20 pharyngeal swabs shall be collected at onset of respiratory disease and forwarded to an approved laboratory for LPAI testing.

d. Routine serologic testing. A test for LPAI should be included.

21—64.188(163) Official LPAI tests. Official tests for LPAI are:

1. Agar Gel Precipitin (AGP);
2. Enzyme Linked Immunosorbent Assay (ELISA);
3. Any other tests performed by an approved laboratory to confirm a diagnosis of LPAI.

Tests positive to screening for avian influenza through AGP, ELISA, and any other tests performed by an approved laboratory to confirm a diagnosis of LPAI must be forwarded to National Veterinary Services Laboratory, Ames, Iowa, for subtype testing.

4. Influenza type A antigen detection tests approved by the state veterinarian. All influenza type A antigen detection tests performed shall be prior-approved by the state veterinarian, and all positive tests results shall be reported immediately to the state veterinarian. A monthly report of all test results shall be reported to the state veterinarian.

21—64.189(163) Investigation of LPAI affected poultry identified through surveillance. All poultry diagnosed at an approved laboratory as infected with LPAI must be traced back to the flock or farm of origin.

All flocks having contact with affected or exposed poultry as determined by the designated epidemiologist must be investigated epidemiologically. All farms of origin and flocks having contact with affected or exposed poultry must be quarantined, pending the results of the epidemiological investigation.

21—64.190(163) Duration of quarantine. Quarantines imposed in accordance with these rules shall be in effect for a minimum of three months after the last detection of active avian influenza virus on the premises. Active avian influenza virus on the premises will be determined through the use of sentinel poultry or virus isolation.

21—64.191(163) Flock plan.

64.191(1) The flock owner, the owner's veterinarian, if requested, and the epidemiologist shall develop a plan for eradicating LPAI in each affected flock. The plan must be designed to reduce and then eliminate LPAI from the flock, to prevent spread of the disease to other flocks, and to prevent reintroduction of LPAI after the flock becomes disease-free. The flock plan must be developed and signed within 15 days after the determination that the flock is affected.

64.191(2) The flock plan will include, but is not limited to, the following areas:

- a. Movement of vehicles, equipment, and people on and off the premises.
- b. Cleaning and disinfection of vehicles entering and leaving the premises.
- c. Proper elimination of daily mortality through composting on premises, incineration on premises, or other approved method.

- d. Biosecurity procedures for people entering or leaving the facility.

- e. Controlled marketing.

- (1) No poultry may be removed from the premises for a minimum of 21 days after the last detection of active avian influenza virus on the premises. Immune flocks that have recovered from avian influenza infection may remain on the premises for the remainder of their scheduled life span.

- (2) After 21 days, poultry marketing will only be allowed for delivery to slaughter establishments at the close of business for the week.

- (3) Routes used to transport poultry to slaughter must avoid other poultry operations.

- (4) Trucks used to transport poultry from an infected premises must be cleaned and disinfected and may not enter another poultry facility for at least 24 hours.

- (5) Eggs which are washed, sanitized, and packed in new materials may be moved into normal marketing channels, but trucks hauling these eggs must not visit another premises between the production site and the market. Egg handling materials must be destroyed at the plant or cleaned, sanitized, and returned to the premises of origin without contacting materials going to other premises. Disposable egg flats or sanitized, plastic flats must be used to transport eggs.

- (6) Eggs that are sold as “nest run” and are not washed and sanitized must be moved directly to only an “off-line” breaking operation for pasteurization and used for breaking only. The egg handling materials must be handled as described in (5) above.

- (7) Liquid eggs from layer flocks may continue to move from breaking operations directly to pasteurization plants provided that the transport vehicles are cleaned and disinfected before entering and leaving the premises.

- f. Vaccination. Avian influenza vaccine will be considered for use only if allowed by the state veterinarian and USDA APHIS.

- (1) Killed H5 or H7 vaccine may be used to immunize all noninfected poultry remaining on the premises. Laying-flock replacement poultry should be vaccinated at least two weeks before entering the laying operation.

- (2) Twenty sentinel (nonvaccinated) poultry will be kept in each vaccinated flock, and all 20 will be tested for avian influenza every 30 days.

- (3) Avian influenza virus will be considered to be no longer active when all sentinel poultry are serologically negative on two consecutive tests conducted at least 14 days apart and when cloacal swabs from each of the 20 sentinel poultry are negative by virus isolation testing.

- (4) Positive sentinel poultry must be euthanized and replaced by negative poultry after 14 days.

- (5) Slaughter withdrawal times must be followed in the marketing of poultry.

- g. Housing facilities and manure. Before a new flock is placed in an infected house, manure must be removed and the housing facilities must be cleaned and disinfected. Manure shall not be removed from the premises for a minimum of 30 days after the last active detection of avian influenza virus in a house. Manure from infected housing facilities must be carried in covered conveyances, and transportation routes must avoid other poultry operations. Manure handling and disposal will be at the direction of the state veterinarian.

- h. Wild bird, insect, and rodent control. Wild bird, insect, and rodent control programs must be implemented on the premises before a facility is repopulated with poultry. Rodenticide must be set out before feed or birds are removed from the premises.

64.191(3) The plan must address flock management and be in compliance with all provisions of these rules. The plan must be formalized as a memorandum of agreement between the owner and program officials, must be approved by the state veterinarian, and must include plans to obtain a disease-free status.

21—64.192(163) Cleaning and disinfecting. The housing facilities must be cleaned and disinfected under state supervision within 15 days after affected poultry and manure have been removed.

21—64.193 to 64.199 Reserved.

These rules are intended to implement Iowa Code chapter 163.

[Filed emergency 9/25/03 after Notice 8/20/03—published 10/15/03, effective 9/25/03]

[Filed 5/7/04, Notice 2/18/04—published 5/26/04, effective 6/30/04]

[Filed emergency 11/29/07 after Notice 10/24/07—published 12/19/07, effective 11/29/07]

SCRAPIE DISEASE

21—64.200(163) Definitions. Definitions used in rules 21—64.200(163) through 21—64.211(163) are as follows:

“Accredited veterinarian” means a veterinarian approved by the administrator of the Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), and the state veterinarian in accordance with Part 161 of Title 9, Chapter 1 of the Code of Federal Regulations (CFR), to perform functions required by cooperative state-federal animal disease control and eradication programs.

“Administrator” means the administrator of APHIS or any employee of USDA to whom the administrator has delegated authority to act on behalf of the administrator.

“Animal” means any sheep or goat.

“APHIS representative” means an individual employed by the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) in animal health activities who is authorized by the administrator to perform the functions and duties involved.

“Approved laboratory” means a diagnostic laboratory approved by APHIS to conduct tests for scrapie or genotypes on one or more tissues.

“Area veterinarian-in-charge” or *“AVIC”* means the veterinary official of APHIS assigned by APHIS to supervise and perform the official animal health work of APHIS in Iowa.

“Breed associations and registries” means the organizations that maintain the permanent records of ancestry or pedigrees of animals (including each animal’s sire and dam), individual identification of animals, and ownership of animals.

“Certificate of Veterinary Inspection” or *“CVI”* means an official document approved by the department and issued by a licensed accredited veterinarian at the point of origin of movement of animals.

“Commingling” means to group animals together in a manner that allows them to have physical contact with each other, including contact through a fence, but not limited contact. Commingling includes sharing the same section in a transportation unit where physical contact can occur.

“Designated scrapie epidemiologist” or *“DSE”* means a state or federal veterinarian designated by the department and APHIS to make decisions about the use and interpretation of diagnostic tests and field investigation data and the management of flocks and animals of epidemiological significance to the scrapie program.

“Directly to slaughter” means movement from a farm to a place of business where animals are processed into meat, excluding movement through an auction market or livestock dealer’s place of business.

“Exposed animal” means any animal that has had contact with a scrapie-positive animal or had contact with a premises where a scrapie-positive animal has resided and for which a flock plan has not yet been completed. Exposed animals shall be evaluated by a state or federal veterinarian in concurrence with the DSE and state veterinarian and may be redesignated into a risk category according to genetic resistance and exposure and may be restricted or have restrictions removed in accordance with current USDA regulations.

“Exposed flock” means any flock in which:

1. A scrapie-positive animal was born or gave birth; or
2. A high-risk or suspect female animal currently resides; or
3. A high-risk or suspect animal once resided that gave birth or aborted in the flock and from which tissues were not submitted for official scrapie testing.

“Flock” means a group of sheep or goats, or a mixture of both species, residing on the same premises or under common ownership or supervision on two or more premises with animal interchange between the premises. Changes in ownership of part or all of a flock do not change the identity of the flock or the regulatory requirements applicable to the flock.

“Flock identification number” or *“flock ID number”* means the unique alphanumeric premises identification number that appears on the official identification issued to a flock, that conforms with the standards for an epidemiologically distinct premises, as outlined in 9 CFR 79.1, and that is assigned by USDA and approved by the department.

“Flock of origin” means the flock of birth for male animals and, for female animals, means the flock in which the animal most recently resided in which it either was born, gave birth, or resided during lambing or kidding.

“Flock plan” means a written flock management agreement signed by the owner of a flock, the accredited veterinarian, if one is employed by the owner, and a department or APHIS representative in which each participant agrees to undertake actions specified in the flock plan to control the spread of scrapie from, and eradicate scrapie in, an infected flock or source flock or to reduce the risk of the occurrence of scrapie in a flock that contains a high-risk or exposed animal. As part of a flock plan, the flock owner must provide the facilities and personnel needed to carry out the requirements of the flock plan. The flock plan must include the requirements in 9 CFR 54.8.

“Genetic susceptibility” means the animal’s likelihood, based upon the genotype of the animal, of developing scrapie following exposure to scrapie.

“High-risk animal” means:

1. Any exposed female animal designated as genetically susceptible under current USDA guidelines;
2. The female offspring of a scrapie-positive female animal; or
3. Any other exposed female animal determined by the DSE to be a potential risk.

“Infected flock” means any flock in which the DSE has determined that a scrapie-positive female animal has resided, unless an epidemiological investigation conducted by the DSE shows that the animal did not give birth or abort in the flock.

“Interstate commerce” means trade, traffic, transportation, or other commerce between a place in a state and any place outside that state, or between points within a state but through any place outside that state.

“Limited contact” means incidental contact between animals away from the flock’s premises, such as at fairs, shows, exhibitions, markets, and sales; between ewes being inseminated, flushed, or implanted; or between rams at ram test or collection stations. Embryo transfer and artificial insemination equipment and surgical tools must be sterilized after each use in order for the contact to be considered limited contact. Limited contact does not include any contact with a female animal during or up to 30 days after she gave birth or aborted or when there is any visible vaginal discharge other than that associated with estrus. Limited contact does not include any activity in which uninhibited contact occurs, such as sharing an enclosure, sharing a section of a transport vehicle, or residing in other flocks for breeding or other purposes, except as allowed by scrapie flock certification program standards.

“Live-animal screening test” means any test used for the diagnosis of scrapie in a live animal, approved by APHIS, and conducted in a laboratory approved by APHIS.

“Noncompliant flock” means:

1. Any source or infected flock whose owner declines to enter into a flock plan or postexposure management and monitoring plan (PEMMP) agreement within 60 days of the flock’s being designated as a source or infected flock;

2. Any exposed flock whose owner fails to make animals available for testing within 60 days of notification, or as mutually agreed upon by the department and the owner, or whose owner fails to submit required postmortem samples;

3. Any flock whose owner or manager has misrepresented, or who employs a person who has misrepresented, the scrapie status of an animal or has misrepresented any other information on a certificate, permit, owner statement, or other official document within the last five years;

4. Any flock whose owner or manager has moved, or who employs a person who has moved, an animal in violation of this chapter within the last five years; or

5. Any flock which does not meet the requirements of a flock plan or PEMMP.

“Official genotype test” means any test used to determine the genotype of a live or dead animal and conducted at an approved laboratory provided that the animal is officially identified and the samples used for the test are collected and shipped to the laboratory by either an accredited veterinarian or a department or APHIS representative.

“Official identification” or *“official ID”* means identification approved by the department and APHIS for use in the scrapie eradication program in the state of Iowa. For sheep, official identification consists of (1) approved ear tags which include the flock ID number combined with an individual animal number; (2) approved unique, alphanumeric serial-numbered ear tags; or (3) ear tags approved for use with the scrapie flock certification program. For goats, official identification consists of any method of identification approved by the USDA, as outlined in 9 CFR 79.2.

“Official test” means any test used for the diagnosis of scrapie in a live or dead animal, approved by APHIS for that use, and conducted at an approved laboratory.

“Owner” means a person, partnership, company, corporation, or any other legal entity which has legal or rightful title to animals.

“Owner/seller statement form” means a written document to be completed by the owner or seller of animals that require official identification and includes the owner’s/seller’s name, address, and telephone number; date of transaction; the flock identification number; the number of animals involved; a statement indicating that the animals that require official identification have been officially identified and that the owner/seller will maintain records as to the origin of the individual animals for five years; and a signed owner statement.

“Owner statement” means a statement signed by the owner certifying that the sexually intact animals are not scrapie-positive, suspect, high-risk, or exposed and that they did not originate from an infected, source, exposed, or noncompliant flock.

“Permit” means an official document that has been issued by an APHIS or department representative or an authorized accredited veterinarian and allows the interstate movement of animals under quarantine. A seal may be required by the state veterinarian or AVIC.

“Postexposure management and monitoring plan” or *“PEMMP”* means a written agreement signed by the owner of a flock, an accredited veterinarian, if one is employed by the owner, and a department or APHIS representative in which each participant agrees to undertake actions specified in the agreement to reduce the risk of the occurrence of scrapie and to monitor for the occurrence of scrapie in the flock for at least five years after the last high-risk or scrapie-positive animal is removed from the flock or after the last exposure of the flock to a scrapie-positive animal, unless the monitoring time is otherwise specified by a department or APHIS representative. As part of a postexposure management and monitoring plan, the flock owner must provide the facilities and personnel needed to carry out the requirements of the plan. The plan must include the requirements in 9 CFR 54.8.

“Premises” means the ground, area, buildings, and equipment occupied by one or more flocks of animals.

“Quarantine” means an imposed restriction prohibiting movement of animals to any location without specific written permits.

“Scrapie” means a nonfebrile, transmissible, insidious degenerative disease affecting the central nervous system of sheep and goats.

“Scrapie eradication program” or *“program”* means the cooperative state-federal-industry program administered by APHIS and states to control and eradicate scrapie.

“Scrapie flock certification program” or *“SFCP”* means a voluntary state-federal-industry cooperative program established and maintained to reduce the occurrence and spread of scrapie, to identify flocks that have been free of evidence of scrapie over specified time periods, and to contribute to the eventual eradication of scrapie. This program was formerly known as the voluntary scrapie flock certification program.

“Scrapie-positive animal” or *“positive animal”* means an animal for which a diagnosis of scrapie has been made by an approved laboratory through one of the following methods:

1. Histopathological examination of central nervous system (CNS) tissues from the animal for characteristic microscopic lesions of scrapie;
2. The use of protease-resistant protein analysis methods, including but not limited to immunohistochemistry or western blotting, on CNS or peripheral tissue samples from a live or a dead animal for which a given method has been approved by the administrator for use on that tissue;
3. Bioassay;
4. Scrapie-associated fibrils (SAF) detected by electron microscopy; or
5. Any other test method approved by the administrator in accordance with 9 CFR 54.10.

“Source flock” means a flock in which a department or APHIS representative has determined that at least one animal was born that was diagnosed as a scrapie-positive animal at an age of 72 months or less.

“State animal health official” means an individual employed by the department in animal health activities and authorized by the department to perform the functions involved.

“Suspect animal” means:

1. A sheep or goat that exhibits any of the following possible signs of scrapie and that has been examined by an accredited veterinarian or a department or APHIS representative. Possible signs of scrapie include: weight loss despite retention of appetite; behavioral abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high-stepping gait of forelimbs, bunny hop movement of rear legs, or swaying of back end; increased sensitivity to noise and sudden movement; tremor, star gazing, head pressing, recumbency, or other signs of neurological disease or chronic wasting;
2. A sheep or goat that has tested positive for scrapie or for the protease-resistant protein associated with scrapie on a live-animal screening test, or any other official test, unless the animal is designated as a scrapie-positive animal; or
3. A sheep or goat that has tested inconclusive or suggestive of scrapie on an official test for scrapie.

“Trace” means all actions required to identify the flock of origin or flock of destination of an animal.

“Unofficial test” means any test used for the diagnosis of scrapie or for the detection of the protease-resistant protein associated with scrapie in a live or dead animal but that either has not been approved by APHIS or was not conducted at an approved diagnostic laboratory.

“Veterinary signature-stamped bill of sale” means a document allowed in Iowa in lieu of a Certificate of Veterinary Inspection for use when animals are sold through a licensed auction market and will remain in Iowa. The bill of sale shall contain the following statement: “I certify, as an accredited veterinarian, that these animals have been inspected by me and that they are not showing any signs of infectious, contagious, or communicable diseases (except where noted).” The signature of the veterinarian who inspected the animals at the sale must appear on the document.

21—64.201(163) Supervision of the scrapie eradication program. The scrapie eradication program is a cooperative program between the department and APHIS and is supervised by full-time animal health veterinarians employed by the state or federal government.

21—64.202(163) Identification. Animals required to be officially identified shall have official identification applied upon, or before, departure from the current flock of origin by the flock owner or the owner’s agent. An animal that already has identification recognized as official for Iowa does not need to have any additional official identification applied. If an animal was not identified prior to departing from its flock of birth or if its identification has been lost, then the animal must be identified

upon, or before, departing from the current flock in which the animal resides and the flock of birth, or previous flock of origin, should be recorded, if known. No person shall apply a flock ID tag to an animal that has not resided in that flock. If a sexually intact animal that requires official identification is of uncertain origin or if the animal is identified with a blue metal “meat only” tag or a red or yellow tag denoting exposure or test status, then the animal may not be used for breeding and must be restricted until slaughter. Animals that require official identification and enter the state of Iowa from other states must be identified with an identification that complies with 9 CFR 79.2. For sheep originating from out of state, ear tags that comply with 9 CFR 79.2 will be considered official identification in Iowa. For goats, either ear tags or tattoos that comply with 9 CFR 79.2 will be considered official identification in Iowa.

64.202(1) Sheep—official identification required. Sheep required to be officially identified include:

- a. All sexually intact sheep, unless specifically excluded in these rules;
- b. All sexually intact sheep for exhibition;
- c. All sheep over 18 months of age;
- d. All sheep residing in noncompliant flocks;
- e. All exposed, suspect, positive and high-risk sheep; and
- f. Sexually intact sheep of any age imported into Iowa, except as noted in 64.202(2).

64.202(2) Sheep—official identification not required. Sheep that do not require official identification include:

- a. Sheep under 18 months of age originating from outside the state of Iowa moving into an approved terminal feedlot, and any sheep under 18 months of age moving directly to slaughter;
- b. Wether sheep for exhibition, unless over 18 months of age; and
- c. Sheep moved for grazing or similar management reasons provided that the sheep are moved from a premises owned or leased by the owner of the sheep to another premises owned or leased by the owner of the sheep.

64.202(3) Goats—official identification required. Goats that require official identification include:

- a. Sexually intact goats that are registered, are used for exhibition, or have resided on the same premises with or been commingled with sheep, excluding limited contact;
- b. All goats residing in noncompliant flocks; and
- c. All exposed, suspect, positive and high-risk goats.

64.202(4) Goats—official identification not required. Goats that do not require official identification include:

- a. Goats under 18 months of age originating from outside the state of Iowa moving into an approved terminal feedlot, and any goats under 18 months of age moving directly to slaughter;
- b. Wether goats for exhibition;
- c. Goats raised and maintained apart from sheep and used exclusively for meat and fiber production;
- d. Pet goats raised and maintained apart from sheep and not registered or used for exhibition;
- e. Dairy goats raised and maintained apart from sheep and not registered or used for exhibition; and
- f. Goats moved for grazing or similar management reasons provided that the goats are moved from a premises owned or leased by the owner of the goats to another premises owned or leased by the owner of the goats.

NOTE: Official identification requirements for goats will become identical to those for sheep 90 days following the disclosure of a case of scrapie in Iowa goats that cannot be attributed to exposure to sheep.

21—64.203(163) Restrictions on the removal of official identification. No person may remove or tamper with any approved means of identification required to be on sheep or goats, unless the identification must be removed for medical reasons, in which case new official identification must be applied to the animal as soon as possible and prior to commingling that could result in the loss of identity of the animal. A record documenting the change of official identification must be made.

21—64.204(163) Records.

64.204(1) *Record-keeping requirements for owners.* Records on every animal that requires official ID shall be maintained for five years from the time the animal leaves the flock or dies. For animals not born in the flock, records must include the flock-of-origin number or the previous owner's name and address, date of acquisition, a description of the animal (sheep or goat, and breed or class), and flock of birth, if known. When official ID tags are applied, it is recommended that the owner correlate official ID with production records, such as lambing dates, for all breeding animals. The owner shall maintain a record of the name and address of the market or buyer, the date, the number of animals sold, and a description of the animals (sheep or goat, and breed or class) for all animals moved from the flock. The owner must supply the market or buyer with the owner's flock ID number. A Certificate of Veterinary Inspection (CVI), or a veterinary signature-stamped bill of sale for animals purchased through Iowa markets, is required for every change of ownership of animals in Iowa, other than for animals sold to slaughter. A copy of the CVI or veterinary signature-stamped bill of sale must be maintained for every animal purchased, and for every animal sold privately, other than to slaughter. For animals sold to slaughter, records must show the date of sale, number of animals sold, and where or to whom sold.

64.204(2) *Record-keeping requirements for auction markets.* Markets must collect a completed and signed owner/seller statement form from each seller presenting animals that require official identification or must post where animals are unloaded signs which state that "sexually intact sheep or goats that are known to be scrapie-positive, suspect, high-risk, or exposed, or that originated from a known infected, source, exposed, or noncompliant flock may not be unloaded or sold through this market." For animals identified by the market, the serial tag numbers applied to each seller's animals must be recorded. Animals that require official identification, but that cannot be identified to their flock of origin shall not be sold as breeding animals. Bill-of-sale records must indicate the seller or flock ID number(s) or serial tag numbers of the animals involved and will serve as documentation of the buyers of animals presented by any particular seller. The market must always record, either on the owner/seller statement form or separately, the following information on all sexually intact animals that require official identification: the seller's flock ID number or seller's name and address, the name or flock ID number of the owner of the flock of origin if different from the seller, and the buyer's name and address or buyer's flock ID number. All animals moving interstate must depart from the market with either a Certificate of Veterinary Inspection or slaughter affidavit; all animals remaining in Iowa must depart from the market with a Certificate of Veterinary Inspection, veterinary signature-stamped bill of sale, or slaughter affidavit. Certificates of Veterinary Inspection for animals moving interstate must contain the statement set forth in 21—64.208(163). All of these documents must be made available for inspection upon request and maintained as official records for five years.

64.204(3) *Record-keeping requirements for licensed sheep dealers.* The dealer must either collect a completed and signed owner/seller statement form from the person from whom the dealer takes possession of the animals or must post signs as described in 64.204(2) if there is any possibility that the animals will move interstate, other than through slaughter channels. The dealer must always record, either on the owner/seller statement form or separately, the following information on all sexually intact animals that require official identification: the seller's flock ID number or seller's name and address and the name of the owner of the flock of origin, or flock-of-origin ID number, if different from the seller. For animals identified by the dealer, the serial tag number applied to each animal must be recorded. Animals that move interstate, other than to slaughter, must be inspected by a veterinarian and have a Certificate of Veterinary Inspection that includes the required statements as set forth in 21—64.208(163). All animals that do not go to slaughter must be inspected by a veterinarian and have a Certificate of Veterinary Inspection completed prior to sale, unless the animals are being sold at a licensed auction market where a veterinary inspection will occur. For animals that are taken to an auction market, the dealer must provide to the market for its records a list of all flock ID numbers or serial tag numbers in the group. For animals that are resorted and sold, records must identify all potential buyers of any animal acquired. Every effort should be made to maintain the identity of groups from the same flock, through separate penning or use of temporary ID, such as chalk marking, in order to simplify efforts to identify the final destination of individual animals. If animals are under 18 months

of age and the dealer picks them up at the owner's premises and delivers them directly to slaughter, then the official identification requirement may be waived; however, a record of the transaction must be maintained. Records must document the buyer's name and address or buyer's flock-of-origin ID number, date of sale, and animals sold for all private sales or sales to slaughter, so that animals can be traced to their final destination. All records must be kept for five years and made available for inspection upon request.

21—64.205(163) Responsibility of persons handling animals in commerce to ensure the official identification of animals. Licensed sheep dealers and auction markets and those that provide transport must ensure that animals are properly identified upon taking possession of the animals. Animals lacking official ID must either be declined or be identified by the licensed dealer or market with official ID issued to the dealer or market immediately upon the dealer's or market's taking possession, and prior to commingling of the animals.

21—64.206(163) Veterinarian's responsibilities when identifying sheep or goats. Veterinarians may be called upon to officially identify animals and may be issued official identification for the animals in the form of the serial number ear tags for carrying out this duty. The veterinarian may apply the ID only if the flock-of-origin information is available. Sexually intact animals that require official identification and are of unknown origin shall not be used for breeding and must be restricted until slaughter. When animals are identified, the veterinarian applying the ID must record the serial tag number applied to each animal and the following information (this requirement may be accomplished by collecting a completed owner/seller statement form): the flock-of-origin ID number or name and address of the current owner, if different from the owner of the flock of origin, and the name and address of the buyer, if a change of ownership is occurring. The flock of birth should also be recorded, if known. These records must be kept for five years and made available for inspection upon request.

21—64.207(163) Flock plans. Infected and source flocks will be quarantined by the department upon the determination of their status. A written flock cleanup plan shall be signed by the owner of an infected or source flock, and the requirements set out in the plan shall be adhered to until its completion. The plan may consist of:

1. Whole flock depopulation;
2. The removal of genetically susceptible female animals, suspect animals, positive animals, and the female offspring of positive female animals; or
3. The removal of high-risk animals as defined in 9 CFR 79.4.

Indemnity may be paid for animals removed, if funds are available through USDA. All flock plans require cleaning and disinfecting procedures as part of the requirements. Upon completion of the flock plan, the quarantine may be released, with the approval of the DSE, and following an inspection of the premises by a state or federal animal health official. At that time, the owner is required to sign a post-exposure management and monitoring plan (PEMMP) and agree to the requirements set out in that plan. Exposed flocks may also be quarantined, or have other movement restrictions placed on them, and may require a PEMMP plan which is consistent with current USDA regulations.

21—64.208(163) Certificates of Veterinary Inspection. Certificates of Veterinary Inspection (CVIs) issued by licensed accredited veterinarians shall be obtained whenever animals change ownership, other than when animals are sold for slaughter, except as provided in this rule. For animals that require official identification, the CVI must include the individual official ID numbers(s) or the flock-of-origin ID number(s), the total number of animals, the purpose of the movement, the name and address of the consignor and consignee, and the points of origin and destination. CVIs for animals that will move interstate must additionally have the following signed owner statement: "I certify that the sexually intact animals represented on this form are not known to be scrapie-positive, suspect, high-risk, or exposed, and did not originate from a known infected, source, exposed, or noncompliant flock." The veterinarian may sign the statement (which may be applied in stamp form) on behalf of the owner if a properly executed

owner/seller statement form has been collected from the owner or if the animals are at a licensed auction market or a licensed dealer's place of business where signs, which have been posted where animals are unloaded, state that "sexually intact sheep or goats that are known to be scrapie-positive, suspect, high-risk, or exposed, or that originated from a known infected, source, exposed, or noncompliant flock may not be unloaded or sold through this market." The veterinarian should check with the state of destination for additional requirements. Animals sold other than to slaughter through state-licensed livestock markets but that will remain in Iowa may be released on either a Certificate of Veterinary Inspection or a veterinary signature-stamped bill of sale. A Certificate of Veterinary Inspection may be completed for sexually intact animals from an exposed flock in some circumstances, with the approval of the state veterinarian.

21—64.209(163) Requirements for shows and sales. Official identification is required for any sexually intact sheep or goat to be exhibited. Positive, suspect, sexually intact exposed, and high-risk animals may not be exhibited. Exposed animals that have been redesignated and had restrictions removed by the DSE according to USDA guidelines may attend shows and sales. Feeder/market class animals from an exposed flock that are not positive, suspect, exposed, or high-risk may be exhibited with the approval of the state veterinarian, provided that they are moved only to slaughter or returned to the premises of origin following the show.

64.209(1) Female animals over 12 months of age should be penned separately from female animals from other flocks when practical.

64.209(2) Female animals within 30 days of parturition, postpartum female animals, or female animals that have aborted or are pregnant and have a vaginal discharge must be kept separate from animals from other flocks so as to prohibit any direct contact. Any enclosures used to contain the female animals must be cleaned and disinfected.

21—64.210(163) Movement restrictions for animals and flocks. A sexually intact animal shall not be moved from an infected or source flock, except under permit. Permitted animals may be moved to slaughter, to a research or diagnostic facility, or to another facility as specified in the flock plan. High-risk, suspect, and sexually intact exposed animals from other than infected or source flocks will be placed under movement restrictions in accordance with 9 CFR 79.3. The movement restrictions on the flock and the criteria for release of these restrictions shall be specified as part of either the flock plan or the postexposure management and monitoring plan. Animals from noncompliant flocks shall be placed under movement restrictions and shall be moved only by permit.

21—64.211(163) Approved terminal feedlots. Approved terminal feedlots allow purchasers of young sexually intact feeder animals from out of state to bring those animals into Iowa without official identification provided that the animals are restricted to an inspected and approved premises and all are delivered to slaughter by 18 months of age.

64.211(1) *Requirements for approved terminal feedlots.* All sexually intact animals of out-of-state origin that have arrived without official identification must be moved directly to slaughter by 18 months of age. Other sheep or goats that require official identification may be maintained on the premises provided that the requirements described herein are met. The approved terminal feedlot premises must be designated as either:

a. Feeder-only premises. Feeder-only premises may contain only feeder animals destined to slaughter by 18 months of age.

b. Breeding flock/slaughter-only premises. The breeding flock/slaughter-only premises allows a breeding flock to be maintained on the site. All offspring must be sent to slaughter by 18 months of age (except as noted below), and do not require official ID provided that the slaughter animals move directly to slaughter. Adult animals must be identified, and any of their offspring retained as replacement breeding stock must have official ID applied prior to weaning. Production, inventory, purchase, and sales records will be inspected on all breeding animals.

c. Separate operation premises. The separate operation premises allows animals other than the nonidentified feeder animals to be kept on site, and sold other than to slaughter, but these animals must be separated from the feeder animals by a distance of 30 feet or by a solid wall that prevents contact or the passage of fluids. Offspring must be identified prior to weaning. Records must account for the arrival and dispersal of each individual animal in the separate flock, and there shall be no identification exemption on these animals.

All three types of approved terminal feedlot premises require that all nonidentified feeder animals be moved directly to slaughter, or another approved terminal feedlot, prior to 18 months of age. These animals may only be sold through a licensed market or licensed dealer if the owner identifies sexually intact animals with official blue metal “meat only” tags, and the animals are sold to slaughter.

64.211(2) *Identification at approved terminal feedlots.* Out-of-state origin sexually intact feeder animals moved to an approved terminal feedlot will be exempted from identification requirements provided that the feedlot maintains compliance with all rules and regulations governing approved terminal feedlots.

64.211(3) *Registration of approved terminal feedlots.* All approved terminal feedlots must obtain a permit issued by the department. Approved terminal feedlots will be subject to periodic records and premises inspections. The department shall assign an approved terminal feedlot number for each approved terminal feedlot facility.

64.211(4) *Records for approved terminal feedlots.* All approved terminal feedlots must maintain appropriate records for a period of five years. Records will include Certificates of Veterinary Inspection for all animals of out-of-state origin received by the facility and slaughter records sufficient to conduct inventory reconciliation. If a breeding flock or any other sheep or goats that require official identification are maintained on the same premises, then records shall also include an inventory of animals, lambing and kidding records, bills of sale, slaughter receipts, and any Certificates of Veterinary Inspection sufficient to account for the acquisition and dispersal of all animals. Failure to maintain appropriate records shall be grounds for revocation of the feedlot permit. All animals without official identification must be moved directly to slaughter, and movement to slaughter must be completed before any of the animals reach the age of 18 months. If blue metal “meat only” tags are applied, then records on tags applied must be maintained and shall consist of serial tag numbers, origin of the group(s) (state, market, or individual), date of tagging, and destination (date sold and buyer).

These rules are intended to implement Iowa Code chapter 163.

[Filed 5/7/04, Notice 3/17/04—published 5/26/04, effective 6/30/04]

21—CHAPTER 64 CUMULATIVE HISTORY

[July 1952, IDR; Filed 6/3/55; Amended 3/12/62]

[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]

[Filed emergency 6/30/77—published 7/27/77, effective 6/30/77]

[Filed emergency 7/22/77—published 8/10/77, effective 7/22/77]

[Filed emergency 9/2/77—published 9/21/77, effective 9/2/77]

[Filed 9/2/77, Notice 7/27/77—published 9/21/77, effective 10/26/77]

[Filed emergency 9/29/77—published 10/19/77, effective 9/29/77]

[Filed emergency 11/18/77—published 12/14/77, effective 11/18/77]

[Filed emergency 11/22/77—published 12/14/77, effective 11/22/77]

[Filed 5/3/78, Notice 3/22/78—published 5/31/78, effective 7/5/78]

[Filed emergency 8/25/78—published 9/20/78, effective 8/25/78]

[Filed emergency 9/7/78—published 9/20/78, effective 9/20/78]

[Filed 9/15/78, Notice 7/26/78—published 10/4/78, effective 11/9/78]

[Filed emergency 11/1/78, after Notice 9/20/78—published 11/15/78, effective 11/1/78]

[Filed 8/13/82, Notice 7/7/82—published 9/1/82, effective 10/6/82]

[Filed 12/3/82, Notice 10/27/82—published 12/22/82, effective 1/26/83]

[Filed 1/13/84, Notice 2/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 3/9/84—published 3/28/84, effective 3/9/84]

[Filed 5/4/84, Notice 3/28/84—published 5/23/84, effective 6/27/84]
 [Filed 4/17/87, Notice 3/11/87—published 5/6/87, effective 6/10/87]
 [Filed 5/24/88, Notice 4/20/88—published 6/15/88, effective 7/20/88]¹
 [Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]
 [Filed emergency 9/13/88—published 10/5/88, effective 9/13/88]
 [Filed emergency 9/29/88—published 10/19/88, effective 9/29/88]
 [Filed 1/20/89, Notice 10/19/88—published 2/8/89, effective 3/15/89]²
 [Filed emergency 6/23/89—published 7/12/89, effective 7/1/89]
 [Filed 8/18/89, Notice 7/12/89—published 9/6/89, effective 10/11/89]
 [Filed 4/13/90, Notice 2/21/90—published 5/2/90, effective 6/6/90]
 [Filed 10/18/90, Notice 7/25/90—published 11/14/90, effective 1/1/91]
 [Filed emergency 6/7/91 after Notice 5/1/91—published 6/26/91, effective 7/1/91]
 [Filed 3/27/92, Notice 2/19/92—published 4/15/92, effective 5/20/92]
 [Filed 7/29/92, Notice 6/24/92—published 8/19/92, effective 9/23/92]
 [Filed 9/10/92, Notice 8/5/92—published 9/30/92, effective 11/4/92]
 [Filed 3/29/93, Notice 2/17/93—published 4/14/93, effective 5/19/93]
 [Filed 5/7/93, Notice 3/3/93—published 5/26/93, effective 6/30/93]
 [Filed 7/1/93, Notice 5/26/93—published 7/21/93, effective 8/25/93]
 [Filed 8/25/94, Notice 7/20/94—published 9/14/94, effective 10/19/94]
 [Filed 12/1/94, Notice 10/26/94—published 12/21/94, effective 1/25/95]³
 [Filed 5/29/96, Notice 4/24/96—published 6/19/96, effective 7/24/96]
 [Filed 11/27/96, Notice 10/23/96—published 12/18/96, effective 1/22/97]
 [Filed 7/25/97, Notice 6/18/97—published 8/13/97, effective 9/17/97]
 [Filed emergency 10/1/97 after Notice 8/27/97—published 10/22/97, effective 10/1/97]
 [Filed emergency 1/28/98—published 2/25/98, effective 1/28/98]
 [Filed 7/22/98, Notice 6/17/98—published 8/12/98, effective 9/16/98]
 [Filed 8/5/99, Notice 6/2/99—published 8/25/99, effective 10/1/99]
 [Filed 1/21/00, Notice 12/15/99—published 2/9/00, effective 3/15/00]
 [Filed emergency 7/6/00 after Notice 5/31/00—published 7/26/00, effective 7/6/00]
 [Filed 8/18/00, Notice 7/12/00—published 9/6/00, effective 10/11/00]
 [Filed 3/28/02, Notice 2/6/02—published 4/17/02, effective 5/22/02]
 [Filed emergency 1/3/03—published 1/22/03, effective 1/3/03]
 [Filed 3/6/03, Notice 1/22/03—published 4/2/03, effective 5/7/03]
 [Filed emergency 4/18/03 after Notice 2/19/03—published 5/14/03, effective 4/18/03]
 [Filed 4/18/03, Notice 2/19/03—published 5/14/03, effective 6/18/03]
 [Filed emergency 9/5/03—published 10/1/03, effective 9/5/03]
 [Filed emergency 9/25/03 after Notice 8/20/03—published 10/15/03, effective 9/25/03]
 [Filed 11/7/03, Notice 10/1/03—published 11/26/03, effective 12/31/03]
 [Filed 3/17/04, Notice 2/4/04—published 4/14/04, effective 5/19/04]
 [Filed 5/7/04, Notice 2/18/04—published 5/26/04, effective 6/30/04]
 [Filed 5/7/04, Notice 3/17/04—published 5/26/04, effective 6/30/04]
 [Filed emergency 7/2/04—published 7/21/04, effective 7/2/04]
 [Filed emergency 9/3/04—published 9/29/04, effective 9/3/04]
 [Filed 12/3/04, Notice 9/29/04—published 12/22/04, effective 1/26/05]
 [Filed emergency 8/16/05—published 9/14/05, effective 8/16/05]
 [Filed emergency 3/23/06 after Notice 2/1/06—published 4/12/06, effective 3/23/06]
 [Filed emergency 11/29/07 after Notice 10/24/07—published 12/19/07, effective 11/29/07]
 [Filed emergency 4/11/08—published 5/7/08, effective 4/11/08]
 [Filed 10/2/08, Notice 8/27/08—published 10/22/08, effective 11/26/08]
 [Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10,
 effective 9/1/10]

[Filed Emergency After Notice ARC 9942B (Notice ARC 9836B, IAB 11/2/11), IAB 12/28/11,
effective 1/1/12]

[Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

For additional history, see individual divisions in Chapter 64.

- ¹ Effective date of 7/20/88 delayed 70 days by the Administrative Rules Review Committee at its July 1988 meeting.
- ² Effective date of 3/15/89 delayed 70 days by the Administrative Rules Review Committee at its March 13, 1989, meeting.
- ³ Revised 21—subrule 64.158(2) effective April 1, 1995.

CHAPTER 65
ANIMAL AND LIVESTOCK IMPORTATION

[Appeared as Ch 3, 1973 IDR]

[Prior to 7/27/88, see Agriculture Department 30—Ch 17]

21—65.1(163) Definitions.

“Accredited veterinarian” means a veterinarian licensed in the state of origin and approved by the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), to perform certain functions of federal and cooperative state-federal programs in accordance with the provision of Title 9 Code of Federal Regulations (CFR) §160 through §162.

“Avian influenza- or exotic Newcastle disease-affected state” or *“AI- or END-affected state”* means any state in which avian influenza subtype H5 or H7 or END virus has been diagnosed in poultry within the last 90 days prior to importation.

“Domestic fowl” means any member of the class Aves that is propagated or maintained under control of a person for commercial, exhibition, or breeding purposes or as a pet.

“Feral swine” means swine that are free-roaming.

“Official individual identification” means a unique individual identification that is secure and traceable including, but not limited to, a USDA-approved identification ear tag that conforms to the alphanumeric national uniform ear tagging system; a USDA-approved premises tattoo; a registered purebred tattoo; or identification that conforms to the National Animal Identification System. An owner’s private brand or tattoo, even though permanent and registered in the state of origin, is not acceptable official individual identification of an animal for the purpose of entry into Iowa.

“Poultry” means chickens, turkeys, domestic waterfowl, ratites, and domestic game birds, except doves and pigeons.

“Pre-entry permit” means a written or verbal authorization provided by the department prior to the importation of animals into Iowa. If required, a pre-entry permit number must be obtained and listed on the Certificate of Veterinary Inspection accompanying the animals.

“Recognized slaughter establishment” means a slaughtering establishment operating under the provisions of either the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or an equivalent state meat inspection program.

“Specifically approved auction market” means a stockyard, livestock market, buying station, concentration point, or any other premises under state or federal veterinary supervision where livestock are assembled for sale or sale purposes and which has been approved by USDA as provided in 9 CFR §71.20.

“Transitional swine” means swine that have been, or have had the potential to be, exposed to feral swine.

“Vesicular stomatitis-affected state” or *“VS-affected state”* means any state in which vesicular stomatitis (VS) virus serotype New Jersey or Indiana has been diagnosed within the last 60 days prior to animal importation.

21—65.2(163) Pre-entry permits.

65.2(1) Requests for permits should be directed to the Animal Industry Bureau, Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319, or may be made by telephoning the bureau at (515)281-5547 during normal business hours (7:30 a.m. to 4:30 p.m.).

65.2(2) All permits shall be valid for one shipment only and shall be void 15 days after the date of issuance.

65.2(3) Pre-entry permits are required for:

- a. All Cervidae.
- b. All domestic fowl or poultry originating from an AI- or END-affected state.
- c. Captive wild-type swine.

d. Cattle and bison originating from states or zones not classified as tuberculosis-free and brucellosis-free.

[ARC 9151B, IAB 10/20/10, effective 9/20/10]

21—65.3(163) General requirements and limitations.

65.3(1) *Restricted animals.* The following animals are restricted from importation into the state:

a. No animal, including poultry or birds of any species, that is affected with, or that has been recently exposed to, any infectious, contagious or communicable disease or that originates from a quarantined area shall be shipped or in any manner transported or moved into Iowa, unless approved by the state veterinarian.

b. Prairie dogs (*Cynomys* sp.), tree squirrels (*Heliosciurus* sp.), rope squirrels (*Funisciurus* sp.), dormice (*Graphiurus* sp.), Gambian giant pouched rats (*Cricetomys* sp.), brush-tailed porcupines (*Atherurus* sp.), and striped mice (*Hybomys* sp.) are prohibited from importation into the state.

¹**65.3(2)** *Cleaning and disinfection of transportation vehicles.* All stock cars and trucks used for hauling into the state of Iowa livestock (cattle, horses, sheep, goats, Cervidae, poultry and swine) for feeding, breeding, or stock purposes must be cleaned and disinfected before such shipments of livestock are loaded.

65.3(3) *Certificate of Veterinary Inspection (CVI).* Animals imported into the state must be accompanied by a Certificate of Veterinary Inspection, unless specifically exempted by this chapter.

a. A Certificate of Veterinary Inspection is a legible record accomplished on an official form of the state of origin, issued by a licensed accredited veterinarian and approved by the chief livestock health official of the state of origin; or an equivalent form of the United States Department of Agriculture (USDA) issued by a federally employed veterinarian. A Certificate of Veterinary Inspection may be an official paper form or an official approved electronic form.

b. A copy of the approved CVI shall be forwarded immediately to the chief livestock health official of the state of origin for approval and transmittal.

c. An approved CVI shall not be valid more than 30 days from the date of inspection of the animals.

d. The approved CVI must accompany the animals to their final destination in Iowa.

e. All information required on the CVI must be fully completed by the issuing veterinarian and must include the following:

- (1) Name and address of the consignor;
- (2) Name and address of the consignee;
- (3) Point of origin and premises identification, if assigned by the chief livestock health official in the state of origin;
- (4) Point of destination of the animals;
- (5) Date of examination;
- (6) Number of animals examined;
- (7) Official individual identification or group identification of all animals;
- (8) Sex, age, and breed of each animal;
- (9) Test results and herd or state status on diseases specified in this chapter;
- (10) Pre-entry permit number, if required; and
- (11) A statement by the issuing veterinarian that the animals identified on the CVI are free of signs of infectious or communicable disease.

65.3(4) *Certification for vesicular stomatitis (VS).* All hooved animals, including horses, ruminants, swine, and exotic and wild hooved animals, originating from a VS-affected state must be accompanied by an official Certificate of Veterinary Inspection which, in addition to meeting the requirements of subrule 65.3(3), includes the following statement: “All animals susceptible to Vesicular Stomatitis (VS) identified and included on this certificate have been examined and found to be free from clinical signs of VS, have not been exposed to VS, and, within the past 30 days, have not been within ten (10) miles of any site under quarantine for VS.”

¹ Objection filed 1/9/81; see “Objection” at the end of this chapter.

21—65.4(163) Cattle and bison.**65.4(1) General.**

a. Certificate of Veterinary Inspection (CVI). All cattle and bison imported into the state must be accompanied by a CVI, except the following:

- (1) Cattle or bison consigned directly to a specifically approved auction market, and
- (2) Cattle or bison consigned directly to a recognized slaughter establishment.

b. Identification. All cattle and bison imported into the state must have official individual identification, except as otherwise provided in this rule.

65.4(2) Requirements and limitations, general.

a. Cattle or bison originating from herds or areas under quarantine shall not be admitted into the state.

b. Cattle or bison known to be infected with Johne's disease shall not be imported except to a recognized slaughter establishment and shall be accompanied by an owner-shipper statement that identifies the animals as positive to an official Johne's disease test. Such statement shall be delivered to the consignee, unless prior approval is obtained from the state veterinarian.

c. Cattle (beef-type) and bison steers and heifers more than 6 months of age but less than 18 months of age may be imported for feeding purposes without official individual identification and quarantined to the premises of destination. However, cattle and bison originating from a state which is not a tuberculosis-free state and heifers originating from a state which is not a brucellosis-free state are not eligible for this identification exemption. The CVI must contain the statement: "These animals are quarantined to the premises of destination until moved to slaughter."

65.4(3) Testing.

a. Tuberculosis test. Testing requirements for tuberculosis are as follows:

- (1) A tuberculosis test is not required for importation of cattle or bison provided that:
 1. The cattle or bison are native to, and originate from, an accredited tuberculosis-free herd (accredited herd number and date of last test must be listed on the CVI), state, or zone; or
 2. The cattle (beef-type) and bison are between the ages of 6 months and 18 months and are being imported for feeding purposes.
- (2) A negative tuberculosis test is required within 60 days prior to importation for cattle or bison six months of age or older that are not exempted by 65.4(3) "a"(1).
- (3) Cattle and bison less than 6 months of age that originate from a herd, state, or zone that is not accredited as tuberculosis-free or as modified accredited advanced must originate from a herd which has been whole-herd tested negative for tuberculosis within 12 months prior to importation.

b. Brucellosis test.

- (1) A brucellosis test is not required for importation of cattle or bison provided that:
 1. The cattle or bison are native to, and originate from, a certified brucellosis-free herd (herd number and date of last test shall be listed on the CVI), state, or area; or
 2. The cattle and bison are official calfhood vaccinates under 18 months of age; or
 3. The cattle and bison are steers or spayed heifers.
- (2) A negative brucellosis test is required within 30 days prior to importation for cattle or bison six months of age or older that are not exempted by 65.4(3) "b"(1).
- (3) Cattle and bison less than 6 months of age that originate from a herd, state or zone that is not certified brucellosis-free must originate from a herd which has been whole-herd tested negative for brucellosis within 12 months prior to importation.
- (4) All brucellosis tests of cattle and bison shall be conducted by state or federal laboratories or by approved laboratories under the supervision of the chief livestock health official of the state of origin.

65.4(4) Rodeo bulls.

a. Tuberculosis test. A negative tuberculosis test is required within 12 months prior to importation.

b. Brucellosis test. A negative brucellosis test is required within 12 months prior to importation.

[ARC 9151B, IAB 10/20/10, effective 9/20/10; ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—65.5(163,166D) Swine.**65.5(1) General.**

a. Certificate of Veterinary Inspection (CVI). All swine imported into the state, except swine consigned directly to a recognized slaughter establishment, swine consigned to a specifically approved auction market, or swine that are moved in accordance with an approved swine production health plan (SPHP), must be accompanied by a CVI.

b. All swine imported into the state, except swine consigned directly to a recognized slaughter establishment, swine consigned to a specifically approved auction market, or swine that are moved in accordance with an approved swine production health plan (SPHP), must have official individual identification.

c. All swine imported into the state must originate from a herd or area not under quarantine.

d. Feral swine are not eligible for importation into the state.

e. Transitional swine must meet the requirements of 65.5(4) in addition to the general requirements. Transitional swine are swine that have been, or have had the potential to be, exposed to feral swine.

65.5(2) Breeding swine.

a. Brucellosis test. All breeding swine imported into the state must:

(1) Originate from herds not known to be infected with, or exposed to, brucellosis and be accompanied by proof of a negative brucellosis test conducted within 30 days prior to importation; or

(2) Originate directly from a validated brucellosis-free state; or

(3) Originate directly from a validated brucellosis-free herd. The date of the last test and herd validation number must be included on the CVI.

b. Pseudorabies test. All breeding swine imported into the state must:

(1) Originate from a herd not known to be infected with, or exposed to, pseudorabies and be accompanied by proof of a negative pseudorabies test conducted within 30 days of importation; or

(2) Originate from a qualified pseudorabies negative (QN) herd (the date of last test and herd number shall be listed on the CVI); or

(3) Originate from a pseudorabies Stage IV or Stage V state.

65.5(3) Feeder swine.

a. Brucellosis test. Swine imported into the state for further feeding must originate from herds not known to be infected with, or exposed to, brucellosis.

b. Pseudorabies test. Swine imported into the state for further feeding must:

(1) Originate from herds not known to be infected with, or exposed to, pseudorabies and be accompanied by proof of a negative pseudorabies test conducted within 30 days prior to importation; or

(2) Originate from a qualified pseudorabies negative (QN) herd; or

(3) Originate from a pseudorabies Stage III, Stage IV or Stage V state.

65.5(4) Captive wild-type and transitional swine. Captive wild-type and transitional swine imported into the state must:

a. Originate from herds not known to be infected with, or exposed to, brucellosis and be accompanied by proof of a negative brucellosis test conducted within 30 days prior to importation; and

b. Originate from herds not known to be infected with, or exposed to, pseudorabies and be accompanied by proof of a negative pseudorabies test conducted within 30 days prior to importation; and

c. Have a pre-entry permit from the state veterinarian.

65.5(5) Swine for slaughter. All swine that are moved directly to a recognized slaughter establishment or to a specifically approved auction market for sale directly to a recognized slaughter establishment for immediate slaughter may be moved without restriction.

21—65.6(163) Goats.**65.6(1) General.**

a. Certificate of Veterinary Inspection (CVI). All goats imported into the state, except goats consigned directly to a recognized slaughter establishment and goats consigned to a specifically approved auction market, must be accompanied by a CVI.

b. All sexually intact goats imported into the state that are registered, are used for exhibition, or have resided on the same premises with or been commingled with sheep must be officially identified with either ear tags or tattoos that meet the requirements specified in 9 CFR §79.2 and §79.3 and the Scrapie Eradication Uniform Methods and Rules. All other goats imported into the state must have official individual identification.

c. All goats imported into the state must originate from a herd or area not under quarantine.

65.6(2) Breeding and dairy goats.*a. Brucellosis.*

(1) All sexually intact goats six months of age or older, except those for immediate slaughter, must:

1. Originate from a certified brucellosis-free herd (the date of the last test and certified herd number shall be listed on the CVI); or

2. Originate from a herd not known to be infected with, or exposed to, brucellosis and be accompanied by proof of a negative brucellosis test conducted within 30 days prior to importation.

(2) Sexually intact goats less than six months of age must originate from a herd which has been whole-herd tested negative for brucellosis within the last 12 months or must originate from a certified brucellosis-free herd (the date of the last test and certified herd number shall be listed on the CVI).

b. Tuberculosis.

(1) All goats six months of age or older must:

1. Originate from an accredited tuberculosis-free herd (the date of last test and accredited herd number shall be listed on the CVI); or

2. Originate from a herd which has been whole-herd tested negative for tuberculosis within 12 months of importation (the date of herd test shall be listed on the CVI); or

3. Originate from a herd not known to be infected with, or exposed to, tuberculosis and be accompanied by proof of a negative tuberculosis test conducted within 60 days of importation.

(2) Goats less than six months of age must originate from a herd which has been whole-herd tested negative for tuberculosis within the last 12 months or must originate from an accredited tuberculosis-free herd (the date of last test and accredited herd number shall be listed on the CVI).

65.6(3) Scrapie. Sexually intact goats from premises where scrapie has been known to exist within the last 60 months or sexually intact goats under surveillance for scrapie shall not be admitted into Iowa, except by permission of the state veterinarian for direct movement to a recognized slaughter establishment.

21—65.7(163) Sheep.**65.7(1) General.**

a. Certificate of Veterinary Inspection (CVI). All sheep imported into the state, except sheep consigned directly to a recognized slaughter establishment for immediate slaughter or sheep consigned to a specifically approved auction market, shall be accompanied by a CVI. For animals requiring identification, the CVI must include the official scrapie flock identification number(s) for the animal(s) listed or the official individual identification for each animal.

b. Identification.

(1) All sheep imported into the state must be officially, individually identified with ear tags that meet the requirements specified in 9 CFR §79.2 and §79.3 and the Scrapie Eradication Uniform Methods and Rules, unless exempted pursuant to 65.7(1)“b”(2).

(2) Exemption to identification requirements. Exemptions to requirements for individual identification of sheep include:

1. Sheep less than 18 months of age consigned directly to a recognized slaughter establishment; and

2. Wethers less than 18 months of age; and
3. Sheep less than 18 months of age consigned directly to an Iowa approved terminal feedlot. The CVI must list the approved terminal feedlot number for the feedlot.

65.7(2) Restrictions and limitations.

a. *Scabies*. Sheep from scabies-quarantined areas must meet federal regulations for interstate movement.

b. *Scrapie*. Sheep that are known to be scrapie-positive, suspect, high-risk, or exposed, or that originate from a known infected, source, exposed, or noncompliant flock may not be imported into the state unless:

- (1) The flock from which they originate has completed an approved scrapie flock cleanup plan, or
- (2) Prior permission has been granted by the state veterinarian.

21—65.8(163) Equine.

65.8(1) General.

a. Certificate of Veterinary Inspection (CVI). All equine imported into the state of Iowa shall be accompanied by a CVI.

b. Equidae which are positive to a brucellosis test or which show evidence of “poll evil” or “fistulous withers” whether draining or not shall not be allowed to enter the state for any purpose.

65.8(2) Testing—equine infectious anemia (EIA). All Equidae imported into the state must be accompanied by proof of a negative EIA serological test conducted within 12 months prior to importation, except foals under 6 months of age accompanied by their dams which meet the EIA test requirements. The name of the testing laboratory, laboratory accession number, and the date of test must appear on the CVI.

21—65.9(163) Cervidae.

65.9(1) General.

a. Definitions.

“*Cervidae*” means all animals belonging to the Cervidae family.

“*Chronic wasting disease*” or “*CWD*” means a transmissible spongiform encephalopathy of cervids.

“*CWD susceptible Cervidae*” means all species of Cervidae susceptible to chronic wasting disease, including whitetail deer, blacktail deer, mule deer, red deer, elk, moose, and related species and hybrids of these species.

b. Certificate of Veterinary Inspection (CVI). All Cervidae imported into the state shall be accompanied by a CVI.

c. All Cervidae imported into this state, except Cervidae consigned directly to a recognized slaughter establishment, must have a pre-entry permit. The permit number must be requested by the licensed accredited veterinarian signing the CVI and issued by the state veterinarian prior to movement of the Cervidae. The permit number must be recorded on the CVI.

65.9(2) Chronic wasting disease.

a. Cervidae originating from an area considered to be endemic for chronic wasting disease shall not be allowed entry into Iowa. Cervidae that originate from a herd that has had animal introductions from an area endemic to chronic wasting disease during the preceding five years shall not be allowed entry into Iowa.

b. CWD susceptible Cervidae shall only be allowed into Iowa from herds which are currently enrolled in and have satisfactorily completed at least five years in an official recognized CWD monitoring program. The CWD herd number, anniversary date, expiration date, and herd status for each individual animal must be listed on the CVI.

The following statement must be accurate and listed on the CVI:

“All Cervidae on this certificate originate from a CWD monitored or certified herd in which these animals have been kept for at least one year or were natural additions. There has been no diagnosis, sign, or epidemiological evidence of CWD in this herd for the past five years.”

c. Cervidae other than CWD susceptible Cervidae shall be allowed into the state only from herds which are currently enrolled in an official recognized CWD monitoring program. The CWD herd number, anniversary date, expiration date, and herd status for each individual animal must be listed on the CVI. The following statement must be accurate and listed on the CVI:

“All Cervidae on this certificate originate from a CWD monitored or certified herd and have not spent any time within the past 36 months in a zoo, animal menagerie or like facility, and have not been on the same premises as a cervid herd which has been classified as a CWD infected herd, exposed herd or trace herd.”

d. Each animal must have official individual identification, and all forms of identification must be listed on the certificate.

65.9(3) Testing.

a. *Tuberculosis test.* Herd status and Single Cervical Tuberculin (SCT) test (Cervidae) are according to USDA Tuberculosis Eradication in Cervidae Uniform Methods and Rules effective January 22, 1999.

(1) Cervidae six months of age or older imported into this state, except Cervidae imported directly to a recognized slaughter establishment, must:

1. Originate from a herd not under quarantine and be tested negative for tuberculosis (TB) within 90 days of importation by the Single Cervical Tuberculin (SCT) test (Cervidae); or

2. Originate from an accredited herd (Cervidae) or originate from a qualified herd (Cervidae) and be tested negative within 90 days of importation (the test dates and herd number shall be listed on the CVI).

(2) Cervidae less than 6 months of age imported into the state must originate from a herd which has been whole-herd tested negative for tuberculosis within the last 12 months or must originate from an accredited herd (Cervidae).

b. *Brucellosis test.*

(1) Cervidae six months of age or older imported into the state, except Cervidae imported directly to a recognized slaughter establishment, must:

1. Originate from a herd not under quarantine and be accompanied by proof of a negative brucellosis test conducted within 90 days of importation; or

2. Originate from a certified brucellosis-free cervid herd or a cervid class free status state (brucellosis). The date of the last test and herd number shall be listed on the CVI.

(2) Cervidae less than 6 months of age must originate from a herd which has been tested negative for brucellosis within the last 12 months or must originate from a certified brucellosis-free herd.

[ARC 7723B, IAB 4/22/09, effective 4/2/09; ARC 8951B, IAB 7/28/10, effective 9/1/10]

21—65.10(163) Dogs and cats.

65.10(1) General.

a. Certificate of Veterinary Inspection (CVI). All dogs and cats imported into the state must be accompanied by a CVI indicating apparent freedom from disease or exposure to infectious or contagious disease, except dogs for exhibition and performing dogs entering for a limited period of time.

b. Dogs or cats originating from rabies-quarantined areas shall not be admitted.

65.10(2) Rabies.

a. *Cats.* No rabies vaccination is required.

b. *Dogs.* All dogs four months of age and older must have a current rabies vaccination with a USDA-approved rabies vaccine.

21—65.11(163) Poultry, domestic fowl, and hatching eggs.

65.11(1) Certificate of Veterinary Inspection (CVI). All poultry, domestic fowl, and their hatching eggs imported into the state, except poultry and domestic fowl consigned directly to a recognized slaughter establishment or a specifically approved auction market, must be accompanied by a CVI. For poultry and hatching eggs classified under provisions of the National Poultry Improvement Plan (NPIP), a VS Form 9-3, Report of Sales of Hatching Eggs, Chicks and Poults, may be substituted for the CVI.

65.11(2) Restrictions and limitations, general.

a. All poultry, domestic fowl, and their hatching eggs being imported into the state and not originating from an AI- or END-affected state must have a pre-entry permit issued by the Iowa Poultry Association. This permit may be obtained by calling (515)727-4701, extension 10.

b. Importations from an AI- or END-affected state.

(1) Approval. All domestic fowl, live poultry or poultry products from an AI- or END-affected state(s) may be considered for importation on a case-by-case basis following a risk assessment.

(2) Documentation. Poultry or poultry products must originate from a flock that is classified as AI clean under provision of the NPIP. The CVI must indicate that the poultry or poultry products originate from an AI- or END-negative flock and include a description of the birds, the test date, test results, and the name of the testing laboratory.

(3) Pre-entry permit. All domestic fowl, live poultry or poultry products originating from an AI-or END-affected state must have a pre-entry permit issued by the state veterinarian.

(4) Domestic fowl, live poultry or poultry products originating from a quarantined area shall not be allowed entry into the state.

65.11(3) Testing.

a. *Pullorum-typhoid test.*

(1) An official negative test for pullorum-typhoid is required within 30 days of importation for domestic fowl or live poultry or for the flock from which hatching eggs originate unless exempted pursuant to 65.11(3) "a"(2).

(2) Exemptions to the test requirements. No test is required for the following:

1. Imported domestic fowl, live poultry or hatching eggs originating from flocks classified under provisions of the NPIP as pullorum-typhoid clean.

2. Exotic birds or other pet birds.

3. Poultry consigned directly to a recognized slaughter establishment.

b. *Mycoplasma gallisepticum test—turkeys.* Live turkeys or turkey hatching eggs for importation must originate from a flock that has been tested annually and can be classified as U.S. mycoplasma gallisepticum clean as provided by the NPIP. Turkeys consigned directly to a recognized slaughter establishment are not affected by this subrule.

21—65.12(163) Swine production health plan (SPHP).**65.12(1) General.**

a. *Swine production health plan (SPHP).* A swine production health plan is a written agreement developed for a swine production system and designed to maintain the health of the swine and detect signs of communicable disease. The plan must include all of the following:

(1) Address and contact information for all premises that are part of the swine production system and that receive or send swine in interstate commerce.

(2) Provisions for regular veterinary inspections of all swine maintained on the identified premises, at intervals no greater than 30 days, by the swine production system's licensed accredited veterinarian(s).

(3) Description of the record-keeping system of the swine production system.

(4) The signature of each official of each swine production system identified in the plan, including the swine production system's licensed accredited veterinarian(s), the state veterinarian, an APHIS representative, and the state animal health official from each state in which the swine production system has a premises.

(5) Acknowledgment that the managers of all the swine production system's premises listed in the plan have been notified that any failure of the participants in the swine production system to abide by the provisions of the plan and the applicable provisions of 9 CFR Parts 71 and 85 constitutes a basis for the cancellation of the swine production health plan.

b. *Interstate swine movement report.* An interstate swine movement report is a paper or electronic document detailing interstate movement of animals within a swine production health system. The interstate swine movement report must include the following information:

(1) The name, location, and premises identification number of the premises from which the swine are to be moved.

(2) The name, location, and premises identification number of the premises to which the swine are to be moved.

(3) The date of movement.

(4) The number, age, and type of swine to be moved.

(5) A description of any individual identification or group identification associated with the swine.

(6) The name of the swine production system's licensed accredited veterinarian(s).

(7) The health status of the herd from which the swine are to be moved, including any disease of regulatory concern to the state or the United States Department of Agriculture (USDA) Animal Plant Health Inspection Service (APHIS).

(8) An accurate statement that swine on the premises from which the swine are to be moved have been inspected by the swine production system's licensed accredited veterinarian(s) within 30 days prior to the interstate movement, consistent with the dates specified by the premises' swine production health plan, and found free from signs of communicable disease.

c. Swine production system. A swine production system is an enterprise that consists of multiple sites of swine production (i.e., sow herds, nursery herds, and growing or finishing herds) that do not include a recognized slaughter facility or livestock market, that are connected by ownership or contractual relationships, and between which swine are moved while remaining under the control of a single owner or a group of contractually connected owners.

d. Swine production system's licensed accredited veterinarian. A swine production system's licensed accredited veterinarian is a licensed accredited veterinarian who is named in a swine production health plan for a premises within a swine production system and who performs inspection of such premises and animals and other duties related to the movement of swine in a swine production system.

65.12(2) Identification of swine moving interstate within an SPHP. Swine that are moved into the state within a swine production system to other than a recognized slaughter facility or a specifically authorized livestock market are not required to be individually identified when moved provided that the following requirements are met:

a. The swine may be moved interstate only to another premises identified in a valid swine production health plan for that swine production system.

b. The swine production system must operate under a valid swine production health plan in which both the sending and receiving states have agreed to allow the movement.

c. The swine must have been found free from signs of any communicable disease during the most recent inspection of the premises by the swine production system's licensed accredited veterinarian(s) within 30 days prior to movement.

d. Prior to the movement of any swine, the producer(s) moving swine must deliver the required interstate swine movement report to the following individuals identified in the swine production health plan:

(1) The swine production system's licensed accredited veterinarian for the premises from which the swine are to be moved.

(2) The state animal health officials for the state of origin of the swine.

(3) The state veterinarian for the state of destination of the swine.

(4) Individuals designated by the state animal health officials.

e. The receiving premises must not commingle swine received from different premises in a manner that prevents identification of the premises that sent the swine or groups of swine. This requirement may be met by use of permanent premises or individual animal identification, by keeping groups of animals received from one premises physically separate from animals received from other premises, or by any other effective means.

f. For each premises, the swine production system must maintain for three years after their date of creation records that will allow a state animal health official to trace any animal on the premises back to its previous premises and must maintain copies of each swine production health plan signed by the producer, all interstate swine movement reports issued by the producer, and all reports the swine

production system's accredited veterinarian(s) issues documenting the health status of the swine on the premises.

g. Each premises must allow state animal health officials access to the premises upon request to inspect animals and review records.

h. Every seven calendar days, each swine production system must send the state veterinarian a written summary that is based on the interstate swine movement report data and that shows how many animals were moved in the past seven calendar days, the premises from which they were moved, and the premises to which they were moved.

65.12(3) Cancellation of SPHP. The following procedures apply to cancellation of, or withdrawal from, a swine production health plan:

a. The state veterinarian may cancel the state's participation in a swine production health plan by giving written notice to all swine producers, APHIS representatives, accredited veterinarians, and other state animal health officials listed in the plan. Withdrawal shall be effective upon the date specified by the state veterinarian in the notice, but for shipments in transit, withdrawal shall become effective seven days after the date of such notice. Upon withdrawal of the state, the swine production health plan may continue to operate among the other states and parties that are signatory to the plan.

b. A swine production system may withdraw one or more of its premises from participation in the plan upon giving written notice to the state veterinarian, APHIS administrator, the accredited veterinarian(s), and all swine producers listed in the plan. Withdrawal shall be effective upon the date specified by the swine production system in the written notice, but for shipments in transit, withdrawal shall become effective seven days after the date of such notice.

c. The state veterinarian shall cancel a swine production health plan after determining that swine movements within the swine production system have occurred that were not in compliance with the swine production health plan or with other requirements of this chapter. Before a swine health production plan is canceled, the state veterinarian shall inform a representative of the swine production system of the reasons for the cancellation. The swine production system may appeal the cancellation in writing in accordance with Iowa Code chapter 17A and Iowa Administrative Code 21—Chapter 2. This cancellation shall continue in effect pending the completion of the proceeding, and any judicial review thereof, unless otherwise ordered by the state veterinarian.

21—65.13(163) Penalties. A person violating a provision of this chapter shall be subject to a civil penalty of at least \$100 but not more than \$1,000. In the case of a continuing violation, each day of the continuing violation is a separate violation. A person who falsifies a Certificate of Veterinary Inspection shall be subject to a civil penalty of not more than \$5,000 for each reference to an animal falsified on the certificate.

These rules are intended to implement Iowa Code chapter 163.

[Filed 12/3/64]

[Filed 4/13/76, Notice 2/9/76—published 5/3/76, effective 6/7/76]

[Filed 9/2/77, Notice 7/27/77—published 9/21/77, effective 10/26/77]

[Filed 11/21/80, Notice 10/15/80—published 12/10/80, effective 1/14/81]¹

[Filed 8/13/82, Notice 7/7/82—published 9/1/82, effective 10/6/82]

[Filed emergency 10/8/85—published 11/6/85, effective 10/8/85]

[Filed 12/13/85, Notice 11/6/85—published 1/1/86, effective 2/5/86]

[Filed emergency 4/6/87—published 4/22/87, effective 4/6/87]

[Filed emergency 5/15/87—published 6/3/87, effective 7/1/87]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed 10/18/90, Notice 7/25/90—published 11/14/90, effective 1/1/91]

[Filed 6/17/94, Notice 5/11/94—published 7/6/94, effective 8/10/94]

[Filed 8/25/94, Notice 7/20/94—published 9/14/94, effective 10/19/94]

[Filed 2/21/96, Notice 1/17/96—published 3/13/96, effective 4/17/96]

[Filed 5/29/96, Notice 4/24/96—published 6/19/96, effective 7/24/96]

[Filed 11/27/96, Notice 10/23/96—published 12/18/96, effective 1/22/97]

[Filed 11/7/03, Notice 10/1/03—published 11/26/03, effective 12/31/03]

[Filed emergency 7/2/04—published 7/21/04, effective 7/2/04]

[Filed 5/6/05, Notice 3/30/05—published 5/25/05, effective 6/29/05]

[Filed emergency 4/11/08—published 5/7/08, effective 4/11/08]

[Filed 10/2/08, Notice 8/27/08—published 10/22/08, effective 11/26/08]

[Filed Emergency ARC 7723B, IAB 4/22/09, effective 4/2/09]

[Filed ARC 8951B (Notice ARC 8754B, IAB 5/19/10), IAB 7/28/10, effective 9/1/10]

[Filed Emergency After Notice ARC 9151B (Notice ARC 8985B, IAB 8/11/10), IAB 10/20/10,
effective 9/20/10]

[Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

¹ Objection to 30 IAC 17.1(3) filed 1/9/81; subrule renumbered 21—65.1(3) IAC 7/27/88; renumbered as 65.3(2) IAB 5/25/05.

OBJECTION

At its January 9, 1981 meeting the administrative rules review committee voted the following objection:

The committee objects to subrule 30 IAC 17.1(3)* on the grounds it is unreasonable. The subrule appears as part of ARC 1630 in III IAB 12 (12/10/80) and requires all livestock vehicles to be cleaned and disinfected before they carry shipments into the state. The committee feels this provision is impossible to enforce because it relates to activities that occur outside of Iowa jurisdiction.

* Renumbered 21—65.1(3) IAC 7/27/88; renumbered as 65.3(2) IAB 5/25/05.

CHAPTER 10
IOWA FINANCIAL INCENTIVE PROGRAM FOR SOIL EROSION CONTROL
[Prior to 12/28/88, see Soil Conservation Department, 780—Ch 5]

27—10.1 to 10.9 Reserved.

PART 1

27—10.10(161A) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation, Iowa department of agriculture and land stewardship in accordance with the policies of the state soil conservation committee in implementing the state's financial incentive program for soil erosion control. It also establishes standards and guidelines to which the soil conservation districts shall conform in fulfilling their responsibilities under this program.

27—10.11(161A) Rules or subrules are severable. If any provision of a rule or subrule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule or subrule which can be given effect without invalid provision or application, and to this end the provisions of these rules or subrules are severable.

27—10.12 to 10.19 Reserved.

PART 2

27—10.20(161A) Definitions.

“Administrative order” means a written notice from the commissioners to the landowner or landowners of record and to the occupants of land informing them they are violating the district's soil loss limit regulations or maintenance agreement and advising them of action required to conform to the regulations.

“Allocation” means those funds that are identified as a district's share of the state's appropriated funds that have been distributed to a particular program.

“Applicant” means a person or persons requesting assistance for implementing soil and water conservation practices.

“Appropriations” means those funds appropriated from the general fund of the state and provided the division of soil conservation for funding the various incentive programs for soil erosion control.

“Case file” means a record that is assembled and maintained for each application approved for state cost sharing.

“Certification of practice form” means a signature page used to attest that a practice was installed, performed or maintained in accordance with applicable standards.

“Certifying technician” means the district conservationist of the Natural Resources Conservation Service (NRCS) or the district forester of the department of natural resources.

“Commissioner” means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of Iowa Code chapter 161A.

“Committee” or *“state soil conservation committee”* means the committee established by Iowa Code section 161A.4, as the policymaking body of the division of soil conservation.

“Complaint” means a written and signed document received by the commissioners from a landowner or occupant of land stating that said property in the district is being damaged by sediment resulting from soil erosion on the property of another named landowner.

“Conservation cover” means that if a tract of agricultural land has not been plowed or used for growing row crops at any time within the prior 15 years, it shall be classified as agricultural land under conservation cover.

“Department” means the department of agriculture and land stewardship as established in Iowa Code chapter 159.

“District” or *“soil and water conservation district(s)”* means a governmental subdivision of this state organized for the purposes, with the powers, and subject to the restrictions set forth in Iowa Code chapter 161A.

“District cooperator” means an individual or business that has entered into a cooperator’s agreement with a district for the purpose of planning, applying, and maintaining the necessary soil and water conservation practices on land under control of the individual or business.

“Division” means the division of soil conservation as established and maintained by the department pursuant to Iowa Code section 159.5(15) and administered pursuant to chapter 161A.

“Excessive erosion” means soil erosion that is occurring at a rate exceeding the established soil loss limit.

“Fiscal year” means the state fiscal year for which program funds were appropriated.

“Landowner” includes any person, firm or corporation, partnerships, estates, trusts, or any federal agency, this state or any of its political subdivisions, who shall hold title to or have legal control over land lying within a district.

“Maintenance/performance agreement” means an agreement between the recipient, the landowner, and the district. The recipient and landowner agree to maintain the soil conservation practices for which financial incentives from the division through the district have been received. The agreement states that the recipient and landowner will maintain, repair, or reconstruct the practices if they are not maintained according to the terms specified in the agreement. The terms of the agreement shall be specified by the division.

“Obligated funds” means those moneys that are set aside out of the district’s allocation or by the division for payment to a landowner after the commissioners have approved an application for financial incentives.

“Power of attorney” means a legal document that grants a person the right to act on behalf of the landowner.

“Recipient” means a landowner or district cooperator who has qualified for and received financial incentive payments for implementing soil and water conservation practices.

“Road” means the entire width between property lines of the publicly owned right-of-way.

“Row cropped lands” means land that is in an established rotation sequence that includes row crops and the sequence is actively being followed or is in consecutive row crop sequence.

“Soil conservation practices” means any of the practices which serve to reduce erosion of soil by wind and water on land used for agricultural or horticultural purposes and approved by the state soil conservation committee.

“Soil loss limit” means the maximum amount of soil loss due to erosion by water or wind, expressed in terms of tons per acre per year, which the commissioners of the respective soil and water conservation districts have established by rule as acceptable.

“State soil survey data base for Iowa” means a listing of the soil map units for each county and the properties and interpretation for each of the map units.

“Supplemental allocation” means additional funds provided beyond the original allocation.

“Supplementary administrative order” means a written notice sent to those receiving an administrative order for violation of the district’s soil loss limit regulations advising that cost-share funds are being committed to the landowner or landowners and establishing time limits for correcting the soil erosion problems.

“Technician” means a person qualified to design, lay out and inspect construction of soil conservation practices, and who is assigned to or employed by a soil and water conservation district.

“Unobligated funds” means those cost-share moneys the districts have been allocated and those the division administers that have not been obligated.

[ARC 8766B, IAB 5/19/10, effective 7/1/10; ARC 0224C, IAB 7/25/12, effective 8/29/12]

PART 3

27—10.30(161A) Compliance, refunds, reviews and appeals. This division establishes rules for determining landowner or farm operator compliance with performance or maintenance agreements that have been entered into as a result of receiving financial incentive payments for implementing soil conservation practices. This division also defines the responsibilities of the districts and the division for obtaining refunds from landowners or farm operators, and procedures to be followed, when it is found that temporary practices are not being performed in accordance with funding agreements.

This division also defines the responsibilities of the districts and the division for requiring maintenance, repair or reconstruction of permanent soil and water conservation practices when it is found that permanent practices are not being maintained in accordance with funding agreements.

27—10.31(161A) Compliance with maintenance/performance agreements.

10.31(1) *Performance agreement.* Rescinded IAB 7/18/07, effective 6/27/07.

10.31(2) *Maintenance/performance agreement.* As a condition for receipt of any financial incentives funds for implementing soil and water conservation practices, the owner of the land on which the practices have been installed shall agree to maintain those practices for the term specified in the maintenance/performance agreement. Specific conditions of the agreement are detailed on the form.

a. Determination of practice implementation and continued compliance with maintenance/performance agreements.

(1) The certifying technician or the technician of the district will determine if the completed practice is in compliance with applicable standards and specifications in Part 8 of these rules. The certifying technician shall attest to completion and compliance with the standards by completing and signing a certification of practice form. The completed certification will be retained in the district case file for the appropriate landowner.

(2) The certifying technician or district technician shall inspect the practice at any time the district commissioners have reason to believe it is not being satisfactorily maintained. The division will evaluate the situation to determine that proper procedures were followed. “Satisfactorily maintained” means being maintained in such a state of repair so that the practice is successfully performing the function for which it was originally installed. Following the inspection, the certifying technician shall complete a certification of practice form. The completed certification shall be filed in the district’s case file for the landowner.

(3) The district shall inspect a practice whenever requested to do so by the landowner. The person requesting the inspection shall be provided a copy of the completed certification of practice form, used to document the results of this inspection.

b. Determination of noncompliance with maintenance/performance agreement. If the certifying technician determines that the practice is not being satisfactorily maintained, it shall be so noted on the certification of practice form. The district shall notify the division in writing of the noncompliance finding. The notification to the division shall contain a complete explanation of why the practice is considered not to be in compliance with the maintenance/performance agreement. The division will evaluate the situation to determine that proper procedures were followed. “Satisfactorily maintained” means the practice has been maintained in such a state of repair that it is successfully performing the function for which it was originally installed.

c. In the event that properly maintained practices that were installed with the assistance of Iowa financial incentive program funds are damaged due to natural disasters, completing the maintenance/performance agreement shall not constitute an action or intent on the part of the division to prevent the owner of the land on which the practices were installed from receiving federal emergency conservation program assistance to repair or replace the practices.

27—10.32(161A) Noncompliance.

10.32(1) *Noncompliance with performance agreements.* Rescinded IAB 7/18/07, effective 6/27/07.

10.32(2) *Refunds for noncompliance with maintenance agreements to cost-share agreements entered prior to July 1, 1981.* Rescinded IAB 7/18/07, effective 6/27/07.

10.32(3) *Refunds for noncompliance with maintenance agreements entered between January 1, 1981, and July 1, 1982.* Rescinded IAB 7/18/07, effective 6/27/07.

10.32(4) *Noncompliance with maintenance/performance agreements.* Upon determination by the district and the division that a landowner is not in compliance with a maintenance/performance agreement, the division shall assist the district in the issuance of an administrative order to the landowner requiring appropriate maintenance, repair or reconstruction of the practice, provided voluntary means have been exhausted. The district, in its sole discretion, may allow the landowner or the landowner's successors to refund to the division the entire amount of the financial incentive payment received by the landowner in lieu of maintaining, repairing or reconstructing a practice.

a. Within 60 days from the date of issue of the administrative order, the landowner shall submit to the district a written and signed statement of intent to maintain, repair or reconstruct the practice.

b. The maintenance, repair or reconstruction work shall be initiated within 180 days from the date of issue of the administrative order and shall be satisfactorily completed within one year of the date of issue of the administrative order.

10.32(5) *Agricultural land converted to nonagricultural land.* If land subject to a maintenance/performance agreement is converted to a nonagricultural use that does not require a permanent soil and water conservation practice which has been established with financial incentives, the practice shall not be removed until the owner refunds the appropriate amount of the payment received.

a. Amount of refund. The amount of refund will be the amount of the financial incentive payment received less 5 percent for each year the practice was in place.

b. Districts will notify the division when such refunds are collected.

c. Refunds will be made to the division. The division will deposit refunds to the appropriate district account. Use of the refunds will be limited to providing financial incentives under this chapter.

27—10.33(161A) Appeals and reviews. A landowner or farm operator who has been ordered to maintain, repair or reconstruct a temporary or permanent practice subject to a maintenance/performance agreement may, as appropriate, review the order with the district commissioners or the division of soil conservation. Appeals to the state soil conservation committee may be made by the district, a landowner or a farm operator following a review by the division director or the director's designee.

10.33(1) Review with soil and water conservation district commissioners. When a landowner or farm operator wishes to appeal an order to maintain, repair or reconstruct a temporary or permanent practice subject to a maintenance/performance agreement, the landowner or farm operator may request a review of the order with the district commissioners. The commissioners shall schedule a meeting to review the issue with the landowner or farm operator. This proceeding shall be informal. A landowner or farm operator shall request a review with the district commissioners in writing and within 30 days following receipt of their order.

10.33(2) Review with the division of soil conservation. After having unsuccessfully met with the district commissioners, a landowner or farm operator who has been ordered to maintain, repair or reconstruct a temporary or permanent practice subject to a maintenance/performance agreement may file a written request for review with the division. The division review shall be conducted by the division director or the director's designee. This proceeding shall be informal. A landowner or farm operator shall request the review with the division in writing within 30 days following the review with the district.

10.33(3) Appeal to the state soil conservation committee. In those cases where the district, landowner, or farm operator is not satisfied with the decision rendered as a conclusion of a division review concerning an order to maintain, repair or reconstruct a temporary or permanent practice covered by a maintenance/performance agreement, the district, landowner, or farm operator may appeal the division's decision to the state soil conservation committee. This proceeding shall be a formal, contested case hearing. The district, landowner, or farm operator shall make the appeal to the state committee in writing within 30 days following completion of the division's review.

10.33(4) The committee will either affirm, modify, or vacate the administrative order following the completion of the contested case hearing.

27—10.34 to 10.39 Reserved.

PART 4

27—10.40 Reserved.

27—10.41(161A) Appropriations. The department of agriculture and land stewardship, division of soil conservation, has received appropriations for conservation cost sharing since 1973 and appropriations to fund certain incentive programs for soil erosion control since 1979. Funds are appropriated each year by the general assembly.

The division has four years to encumber or obligate these funds before they revert to the state's general fund. This rule addresses the distribution of these appropriations among the incentive programs for soil erosion control established by the division in accordance with the authorities extended in Iowa Code chapter 161A. The rule is also consistent with the restrictions imposed by language of the appropriations bills.

10.41(1) Voluntary program. Ninety percent of the appropriation is to be used for cost sharing to provide state funding of not more than 50 percent of the approved cost of permanent soil and water conservation practices or for incentive payments to encourage management practices to control soil erosion on land that is now row-cropped.

Up to 30 percent of a district's original and supplemental allocation may be used for the establishment of practices listed in subrules 10.82(1) and 10.82(2).

The commissioners of a district may allocate voluntary program funds for the restoration of permanent soil and water conservation practices which are damaged or destroyed because of a disaster emergency. Funds may be used for construction, reconstruction, installation, or repair of projects. The commissioners must determine that funds are necessary to restore permanent practices to prevent erosion in excess of applicable soil loss limits caused by the disaster emergency. Funds cannot be used unless a state of disaster emergency pursuant to a proclamation as provided in Iowa Code section 29C.6 has been declared. Funds can be used only if federal or state disaster emergency funds are not adequate. Funds do not have to be allocated on a cost-share basis. Districts are required to report to the division regarding restoration projects and funds allocated for projects.

10.41(2) Publicly owned lakes. For the approved cost of permanent soil conservation practices on watersheds above publicly owned lakes, 5 percent of the amount appropriated is to be set aside for cost sharing at a rate not to exceed 75 percent.

10.41(3) Mandatory program. Five percent of the appropriation shall be set aside for cost sharing with landowners or farm operators who are required to install soil erosion control practices as a result of an administrative order from the district to abate complaints filed under Iowa Code section 161A.47.

10.41(4) Special watershed projects. Iowa Code section 161A.7 permits cost sharing up to 60 percent of the cost of a project including five or more contiguous farm units which have at least 500 or more acres of farmland and which constitute at least 75 percent of the agricultural land lying within a watershed or subwatershed, where the owners jointly agree to a watershed conservation plan in conjunction with their respective farm unit soil conservation plan.

10.41(5) Summer construction incentives. Funds are available for the planting of a conservation cover crop in place of cropland during the growing season to extend the construction season for the purpose of the installation of conservation practices. This practice shall be applied using the conservation crop rotation standard. Summer construction incentives are only available in conjunction with state-funded conservation practices.

10.41(6) and 10.41(7) Reserved.

10.41(8) Funds distributed to annual programs and provided to districts may be used in combination with department of natural resources funds in accordance with the following:

a. Proposals to allow an overall cost-share rate of greater than 50 percent to the district cooperator must be submitted by districts and approved on a project-by-project basis by the state soil conservation committee.

b. The maximum cost-share rate realized by the district cooperator shall not exceed 75 percent when state cost-share funds appropriated to the division and districts are utilized in combination with such department of natural resources funds.

c. Funds utilized by districts in conjunction with such special projects shall come from the district's regular allocation.

d. Only those permanent practices listed in subrule 10.82(3) shall be eligible for financial incentive payments.

(1) Any practices to be installed on public land must meet the requirements of subrule 10.73(3) and be installed and paid for by the adjoining private landowner.

(2) Subrule 10.81(6) on upland treatment shall also apply.

e. In accordance with subrule 10.73(4), paragraph "a," no cost-sharing with other government agencies is allowed.

10.41(9) Funds distributed to annual programs and provided to districts may be used in combination with other public funds on permanent practices, in accordance with the following:

a. The maximum cost-share rate realized by the district cooperator shall not exceed 75 percent of the total eligible costs when state cost-share funds appropriated to the division and districts are utilized in combination with other public funds.

b. Funds utilized by districts in conjunction with such projects shall come from the district's regular allocation.

c. The recipient will be required to sign a maintenance agreement as stated in subrule 10.74(5).

This rule is intended to implement Iowa Code chapter 161A; 1994 Iowa Acts, chapter 1198, section 1, subsection 4, paragraphs "b," "c," and "d"; 1995 Iowa Acts, chapter 216, section 1, subsection 4, paragraphs "b," "c," and "d"; 1996 Iowa Acts, chapter 1214, section 1, subsection 4, paragraphs "b," "c," and "d"; and 1997 Iowa Acts, House File 708, section 1, subsection 4, paragraphs "b," "c," and "d."

[ARC 7722B, IAB 4/22/09, effective 4/1/09; ARC 8766B, IAB 5/19/10, effective 7/1/10]

27—10.42 to 10.49 Reserved.

PART 5

27—10.50(161A) Allocations to soil and water conservation districts. This division identifies those program funds that are allocated to the districts and explains how the allocations are made.

27—10.51(161A) Voluntary program. The division will allocate program funds to the districts in steps identified as original allocations and supplemental allocations.

10.51(1) Original allocation. Sixty percent of the fiscal year funds distributed to this program will be allocated to the districts at the beginning of the fiscal year in accordance with a formula based on the state soil survey database for Iowa. The formula is $A = wzf$, where:

a. A = allocation to the district.

b. w = the percentage factor for the district, determined by $(x/y) (100)$, where:

(1) x = district acres, determined by totaling the district's land capability class acres from the state soil survey database for Iowa using the formula: $(\frac{1}{4})2e + 3e + 4e$.

(2) y = state acres, determined by totaling the state's land capability class acres from the state soil survey database for Iowa using the formula: $(\frac{1}{4})2E + 3E + 4E$.

c. z = sixty percent of fiscal year funds distributed to the voluntary program.

d. f = an adjustment factor of 0.980 applied to each district's allocation to adjust the original allocation to compensate for establishing a minimum of four-tenths of 1 percent of "z" to ensure that each district has a workable program.

e. The following table provides the value of "w" for each district:

Individual Soil and Water Conservation District

Percentage Allocation Factors

<u>W(%) District</u>	<u>W(%) District</u>	<u>W(%) District</u>	<u>W(%) District</u>
1.8 Adair	1.2 Davis	1.0 Jefferson	0.2 Pocahontas*
1.2 Adams	1.3 Decatur	1.1 Johnson	0.7 Polk
1.5 Allamakee	0.8 Delaware	1.2 Jones	1.4 E. Pottawattamie
1.1 Appanoose	0.6 Des Moines	1.4 Keokuk	1.2 W. Pottawattamie
1.4 Audubon	0.4 Dickinson	0.6 Kossuth	1.5 Poweshiek
1.4 Benton	1.9 Dubuque	1.0 Lee	1.6 Ringgold
0.5 Black Hawk	0.3 Emmet*	1.1 Linn	0.7 Sac
0.5 Boone	1.1 Fayette	0.5 Louisa	0.9 Scott
0.3 Bremer*	0.3 Floyd*	1.1 Lucas	1.7 Shelby
0.4 Buchanan	0.6 Franklin	0.8 Lyon	1.0 Sioux
0.4 Buena Vista	1.0 Fremont	1.2 Madison	0.6 Story
0.6 Butler	0.4 Greene	1.2 Mahaska	1.5 Tama
0.3 Calhoun*	0.5 Grundy	1.3 Marion	1.7 Taylor
1.2 Carroll	1.5 Guthrie	1.4 Marshall	1.1 Union
1.5 Cass	0.4 Hamilton	1.0 Mills	1.2 Van Buren
1.2 Cedar	0.3 Hancock*	0.3 Mitchell*	1.0 Wapello
0.5 Cerro Gordo	0.7 Hardin	1.2 Monona	1.1 Warren
1.0 Cherokee	1.6 Harrison	1.0 Monroe	1.1 Washington
0.4 Chickasaw	0.9 Henry	1.2 Montgomery	1.4 Wayne
1.2 Clarke	0.4 Howard	0.6 Muscatine	0.3 Webster*
0.3 Clay*	0.2 Humboldt*	0.4 O'Brien	0.5 Winnebago
2.0 Clayton	1.3 Ida	0.3 Osceola*	1.8 Winneshiek
1.2 Clinton	1.4 Iowa	1.5 Page	2.3 Woodbury
2.4 Crawford	1.6 Jackson	0.4 Palo Alto	0.3 Worth*
0.8 Dallas	1.7 Jasper	2.4 Plymouth	0.4 Wright

*The minimum value to be used in determining original allocations to districts shall be 0.4.

10.51(2) Supplemental allocation. The remaining balance of the fiscal year funds plus recalled funds from the mandatory program as distributed in subrule 10.41(3), and from the public lakes fund as distributed in subrule 10.41(2) that were not obligated, from the reserve fund established in subrule 10.57(1), and from districts as specified in subrule 10.51(3) will be provided to the districts in a supplemental allocation. The districts shall identify valid applications and cost estimates, if any, for supplemental allocations to the division by September 1. The allocation to any district will be the lesser amount of:

a. The sum of cost estimates (for pending applications) in each district, divided by the total cost estimates (for pending applications) for all 100 districts, multiplied by the remaining available program funds; or

b. Three times the original allocation to the district.

10.51(3) Recall of funds. Any funds allocated in the current fiscal year that the districts have not spent or obligated by June 30 may be recalled by the division.

10.51(4) Reallocation of recalled funds. Rescinded IAB 7/18/07, effective 6/27/07.

10.51(5) Eligibility for supplemental allocations. A district must have obligated 75 percent of current fiscal year funds to qualify for a supplemental allocation.

10.51(6) Recall and reallocation of funds by division director. When the unspent balance of funds allocated to a district exceeds that district's annual allocation by more than 150 percent for a period of 12 months or more, the division director may recall these unspent funds and reallocate them to a district or districts that can demonstrate a need.

[ARC 8766B, IAB 5/19/10, effective 7/1/10]

27—10.52(161A) Publicly owned lakes. The division of soil conservation maintains the funds that are distributed to the publicly owned lakes program. These funds may be used to provide cost sharing not to exceed 75 percent of the approved cost of permanent soil conservation practices on watersheds above publicly owned lakes and reservoirs. The division will allocate these program funds to eligible districts in steps identified as original allocation, recall of unobligated funds, and reallocation.

10.52(1) Original allocation. Funding needs will be identified and funds will be set aside for watershed projects which have cost-share funds in addition to state and district cooperator funds (e.g., federal, county, or other). The remaining funds will be allocated equally between the other watersheds identified on the publicly owned lakes priority list.

10.52(2) Recall of unobligated funds. Funds that are allocated to districts under this program and are not obligated within three months shall be recalled by the division and reallocated.

10.52(3) Recall of obligated, but unspent funds. Rescinded IAB 7/18/07, effective 6/27/07.

10.52(4) Reallocation of recalled funds. The reallocation of recalled funds will be based on need and demonstrated ability to use the funds. The districts shall submit their requests identifying valid applications and cost estimates, if any, to the division. The division shall allocate funds for these requests on a first-come, first-served basis to other eligible watersheds above publicly owned lakes.

10.52(5) Eligible watersheds. For a landowner to qualify for 75 percent cost sharing under this program, the watershed in which the land is located must be on a list of priority watersheds above publicly owned lakes or reservoirs that is established by the department of natural resources.

10.52(6) Applications and agreements. Applications and agreements for 75 percent cost sharing under this program will be handled by the districts as described in Part 7 of these rules except that the division will allocate funds to districts on an as-needed and first-come, first-served basis.

27—10.53 Reserved.

27—10.54(161A) Mandatory program. The division of soil conservation maintains the funds that are distributed to the mandatory cost-share program. These funds are used to provide cost sharing to landowners who are required to establish permanent soil and water conservation practices as the result of a district's administrative order or a court order.

10.54(1) Applications and agreements. Applications and maintenance/performance agreements for 50 percent cost sharing under this program will be handled by the districts as described in Part 7 of these rules except as follows:

a. When the district commissioners have decided that cost-share assistance is to be approved for a landowner, a copy of the application and a copy of the cost estimate proposed by the technician will be sent to the division with a request for funding obligation. The division will review the application, allocate funds for the specific application to the district and notify the district of the approval. If funds are not available, the division will not allocate funds to the specific application, but will write a letter of explanation to the district. The district will notify the landowner of the status by issuing a supplementary administrative order.

b. Prior approval of the amendment must be obtained from the division should the commissioners desire to amend the application to change the amount of work or the cost.

10.54(2) Redistribution of program funds. Any unobligated program funds remaining at the end of the fiscal year will be redistributed to the voluntary cost-share program. These funds may be included with the supplemental allocation to districts or may be disbursed with the original allocation.

27—10.55 Reserved.

27—10.56(161A) Special watershed projects. District commissioners will satisfy the following conditions with regard to special watershed projects:

10.56(1) Prior to approving a project application for 60 percent cost-share, the district must obtain a project number from the division.

10.56(2) All participating landowners in a particular project will be required to show progress towards completion during the first year of the project. Progress will be evaluated by the district. Failure of all participating landowners to show progress during the first year will result in loss of authorization of the project and 60 percent cost-share funding eligibility.

10.56(3) Authorization for each project shall not exceed five years.

27—10.57(161A) Reserve fund.

10.57(1) *Purpose and use of the reserve fund.* The reserve fund will be set aside and used only to meet contingencies that occur in the districts or within the division. The reserve fund shall not exceed \$150,000.

10.57(2) *Replenishing the reserve fund.* On June 30 of each year, the division may recall any unspent allocations and replenish the fund in accordance with subrule 10.57(1). If needed, the reserve fund may also be replenished at any time with recalled funds to return the balance to \$150,000.

27—10.58 and 10.59 Reserved.

PART 6

27—10.60(161A) Funding rates. The purpose of this division is to establish the funding rates at which the state will fund or share the cost for approved soil conservation practices under the various incentive programs. In all cases, except for the mandatory program, the state's share will be computed using the percentages specified below and the estimated cost, the amended estimated cost, or the actual cost of implementing the practice, whichever is less. Payments under the mandatory program will be based on actual costs.

10.60(1) *Voluntary.*

a. The state will cost-share 50 percent of the cost certified by the certifying technician as being reasonable, proper, and incurred by the applicant in voluntarily installing approved, permanent soil conservation practices, except for tree planting. Eligible costs include machine hire or use of the applicant's equipment, needed materials delivered to and used at the site, and labor required to install the practice.

b. For tree and shrub establishment, the following criteria shall apply:

(1) Fifty percent of the actual cost, not to exceed \$450 per acre, including the following:

1. Establishing ground cover;
2. Trees and tree planting operations;
3. Weed and pest control; and
4. Mowing, disking, and spraying.

(2) Fifty percent of actual cost, not to exceed \$150 per acre, for wood plant control.

(3) Actual cost, not to exceed the lesser of \$14 per rod or \$45 per acre protected, for permanent fences that protect planted acres from grazing, excluding boundary and road fencing.

c. For currently funded fiscal years, the division will make one-time payments of up to \$10 per acre for no-tillage, ridge-till and strip-till; \$6 per acre for contour farming; and 50 percent of the cost up to \$25 per acre for strip-cropping, field borders and filter strips. Not more than 30 percent of the district's original allocation and supplemental allocation may be used for the establishment of management practices to control soil erosion on land that is now row-cropped.

d. Funding for the restoration of permanent practices damaged or destroyed because of a disaster (see 10.41(1)) does not have to be allocated on a cost-share basis.

e. Where a livestock watering system is installed in a grade stabilization structure, cost share is limited to 50 percent of the estimated or eligible cost, whichever is less, not to exceed \$500 for the watering tank or holding facility, pipe and valves. Payment will be made only if the structure is fenced.

10.60(2) *Summer construction incentives.* In addition to cost share for the establishment of a permanent conservation practice, up to \$200 per acre is available to offset income lost from cropland acres taken out of production during the growing season. Payment will be made upon completion of the permanent conservation practice. To qualify:

a. The field being treated shall be in row cropland during the growing season in which the permanent conservation practice is being constructed.

b. The construction area shall be planted with a conservation cover for erosion control purposes on the construction site.

c. The construction of the permanent conservation practice shall take place between June 15 and October 15. Work must be started and completed between these dates and verified by the technician prior to payment of the incentive.

d. Only the land necessary for the construction is eligible for this incentive. The construction work area shall be determined by the technician.

e. The construction work area shall not be used to grow a row crop except for the required conservation cover crop.

10.60(3) *Special watershed projects.* Commissioners may enter into agreements providing for cost sharing up to 60 percent of the cost of a project that includes five or more contiguous farm units which collectively have at least 500 or more acres of farmland and which constitute at least 75 percent of the agricultural land lying within a watershed or a subwatershed. The owners must jointly agree to a watershed conservation plan in conjunction with their respective farm unit soil conservation plans.

10.60(4) *Mandatory.* The rate of cost share for permanent soil and water conservation practices required as a result of an administrative order shall be 50 percent of the total cost to the landowner of installing the approved practice. The cost must be certified by the technician as being reasonable, proper and incurred by the landowner. The rate of cost share for temporary soil and water conservation practices is set by the state soil conservation committee.

10.60(5) *Watersheds above publicly owned lakes.* The state will cost-share 75 percent of the approved cost of permanent soil and water conservation practices on watersheds above certain publicly owned lakes. Watersheds above publicly owned lakes that qualify for 75 percent cost sharing must be identified on a priority list established by the department of natural resources.

10.60(6) *Conservation cover.* Cost share for certain lands is restricted by Iowa Code chapter 161A. Each tract of agricultural land which has not been plowed or used for growing row crops at any time within the prior 15 years shall be considered classified as agricultural land under conservation cover. "Agricultural land" has the meaning assigned that term by Iowa Code section 9H.1. If any tract of land so classified is thereafter plowed or used for growing row crops, the district commissioners shall not approve use of state cost-share funds for establishing permanent or temporary soil and water conservation practices on that tract of land in an amount greater than one-half the amount of cost-share funds which would be available for that land if it were not classified as agricultural land under conservation cover. This restriction shall apply even if an administrative order or court order has been issued requiring establishment of conservation practice.

[ARC 7722B, IAB 4/22/09, effective 4/1/09; ARC 8766B, IAB 5/19/10, effective 7/1/10; ARC 0224C, IAB 7/25/12, effective 8/29/12]

27—10.61 to 10.69 Reserved.

PART 7

27—10.70(161A) Applications and agreements. The purpose of this part is to identify and define procedures to be followed in applying for and entering agreements for receiving financial incentives for implementing approved temporary or permanent soil and water conservation practices.

27—10.71(161A) Applications submitted to soil and water conservation district. District cooperators desiring to be considered for financial incentives for implementing soil and water conservation practices shall complete necessary applications as specified by the division. If an applicant's land is in more than one district, the respective district commissioners will review the application and agree to obligate all funds from one district or prorate the funding between districts.

27—10.72(161A) Application signup.

10.72(1) Signatures by landowner and applicant. All applications and agreements shall be signed by the landowner except as noted in subrule 10.72(3) below. For an applicant to qualify for payment, both landowner and applicant must sign the application.

10.72(2) Land being bought under contract. All applications and agreements concerning land being purchased under contract shall be signed by both the contract seller and the contract buyer. If the operator is applying, the contract buyer, the contract seller, and the operator must sign.

10.72(3) Power of attorney. Applications and agreements may be signed by any person designated to represent the landowner or applicant, provided the appropriate power of attorney has been filed with the district office. The power of attorney requirement can be met by submitting a notarized full power of attorney statement to the district office. In the case of estates and trusts, court documents designating the responsible person or administrator may be submitted to the district in lieu of the power of attorney.

27—10.73(161A) Eligibility for financial incentives.

10.73(1) District cooperator: Rescinded IAB 7/18/07, effective 6/27/07.

10.73(2) Administrative order: Rescinded IAB 7/18/07, effective 6/27/07.

10.73(3) Practices installed on adjoining public lands. Where soil and water conservation practices are installed on public lands, which benefit adjoining private lands, and costs of the installation are to be shared by the parties, state cost-share funds may be used to cost-share the landowner cost of the erosion control portion of the project.

10.73(4) Ineligible lands.

a. Iowa financial incentive funds shall not be used to reimburse other units of government for implementing soil and water conservation practices.

b. Privately owned land not used for agricultural production shall not qualify for financial incentives.

c. Tracts of land used for agricultural production which are less than ten acres in size and from which less than \$2500 of agricultural products are sold annually shall not qualify for financial incentives funds, unless approved by the commissioners as part of a group project or as a continuation of an adjacent system.

d. Tracts of land enrolled in the United States Department of Agriculture's Conservation Reserve Program (CRP) that have more than 90 days left on the contract.

10.73(5) Need for soil and water conservation practices.

a. Financial incentives shall be available only for those soil and water conservation practices determined to be needed by the district to reduce excessive erosion or sedimentation and included in the designated practices identified in Part 8 of these rules. Such determination of need shall be made by a qualified technician.

b. At the discretion of the SWCD commissioners, practice construction may be allowed during the last 90 days of the CRP contract.

10.73(6) District priorities. Each application for financial incentives shall be evaluated under the priority system adopted by the district for disbursement of allocated funds. The district priority system shall give consideration to family-operated farms and public benefit derived. The priority system adopted by the district shall be made available for review at the district office. In establishing its priorities for funds made available beginning July 1, 1983, the district shall also give consideration to the district cooperator's effort to implement Iowa Soil 2000 program requirements.

[ARC 8766B, IAB 5/19/10, effective 7/1/10]

27—10.74(161A) Financial incentive application and processing procedures.**10.74(1) Application for financial incentives.**

a. Application submitted by landowner and applicant. Applicants for financial incentives for soil and water conservation practices shall complete and submit a request for assistance to the district office where the practice will be implemented.

b. Denial of application by district. Applications which are denied by the district shall be retained in the district until the end of the fiscal year. Application denial as used in this part refers to those applications which cannot be approved for reasons other than lack of available financial incentive funds.

c. Obligation of funds. Following approval of an application, the district may obligate funds for the project or, as appropriate, secure obligation of funds from the division for the amount of the project cost estimate identified on the application. In those cases where funds are not available, the application will be held by the district until funding becomes available or until the end of the fiscal year. Upon obligation of funds, the district shall notify the applicant. The district will maintain a record of funds obligated for approved applications.

d. Application withdrawn by applicant. An application may be withdrawn by the applicant at any time prior to receipt of payment by notifying the district in writing that withdrawal is desired. Applications withdrawn by the applicant shall be retained in the records of the district until the end of the fiscal year.

10.74(2) Project design by district.

a. District personnel responsible for design. The technician of the district shall design and lay out proposed soil and water conservation practices for which financial incentives funds have been obligated. The certifying technician of the district shall be responsible for determining compliance with applicable design standards and specifications.

b. Cost estimate adjustments.

(1) Application amendment. In the event that adjustment to the project cost estimate is necessitated by the final design, the applicant shall either agree to assume the additional cost or complete and submit an amendment request to the district for approval by the commissioners.

(2) Adjustment to obligated funds. The district may adjust the amount of incentive funds obligated for the project or may secure an adjusted obligation from the division for funds obligated by the division. In the event that additional funds are not available, the project may be redesigned, if possible, to a level commensurate with available funds, or the applicant can agree to assume full financial responsibility for the portion of the project cost in excess of the amount obligated.

10.74(3) Practice construction and certification.

a. Construction contracts. The landowner and applicant shall be responsible for securing any contractors needed and for all contractual or other agreements necessary to construct or perform the approved practices.

b. Certification of practice. The certifying technician or the technician of the district will determine that the completed practice is in compliance with applicable standards and specifications and that costs incurred are reasonable and proper. The certifying technician shall make such determination by completing and signing the certification of practice form. A copy of the certification will be retained in the district's case file.

10.74(4) Payment of financial incentives.

a. Submittal of bills and claim or certification of practice form to district. The applicant shall submit to the district a signed claim or certification of practice form and all bills relative to the project. Any materials and labor provided by the applicant must be itemized, and the itemization of any materials and labor provided by the applicant shall accompany the claim.

b. Approval for payment. The commissioners shall verify the technician's certification prior to approving the certification of practice form for submittal to the division for payment.

c. Claim submitted to the division by district. The signed claim or certification of practice form shall be submitted to the division. All original signed documents including itemized bills, claim agreements, maintenance/performance agreements and amendments shall be retained at the district office in the cooperator's case file.

d. Payment. Payment for the reimbursable cost of the project will be returned by the division to the district or directly to the landowner or applicant.

10.74(5) Maintenance/performance agreements.

a. Maintenance/performance agreement required. As a condition for receipt of any financial incentive funds for permanent soil and water conservation practices, the owner of the land on which the practices have been installed shall agree to maintain those practices for a minimum term as required by the division.

b. Maintenance/performance agreement form. An agreement to maintain practices for which financial incentives are being paid shall be made by completing and signing a maintenance/performance agreement form. Specific conditions of the maintenance/performance agreement are detailed on the form. Completion of the form and signature of the landowner are required prior to transfer of the incentive payment from the district to the recipient(s).

c. Filing of agreements.

(1) Establishment of a file for maintenance/performance agreements. The district shall establish and maintain a separate permanent file containing any documentation related to the maintenance/performance agreement form. The maintenance/performance agreements file shall be accessible for review by the public.

(2) Statement of compliance or noncompliance. A seller of agricultural land with respect to which a maintenance/performance agreement is in effect may request the district to inspect the practices. If the practices have not been removed, altered, or modified, the district shall issue a written statement that the seller has satisfactorily maintained the permanent practice as of the date of the statement.

The buyer of lands covered by a maintenance/performance agreement, where buyer means someone who has completed a contract for sale or deed, may also request that the district inspect the lands to determine whether any practice has been removed, altered, or modified as of the date of the inspection. If a practice has been removed, altered, or modified, the district will provide the buyer with a statement specifying the extent of noncompliance as of the date of the statement.

The seller and the buyer, if known, shall be given notice of the time of inspection so that they may be present during the inspection to express their views as to compliance.

10.74(6) Case files. A case file shall be assembled and maintained for each application approved. The file will contain all documents and correspondence that require signatures from either the district, district cooperator or technician. The case file shall also include all bills and invoices related to an approved application.

[ARC 8766B, IAB 5/19/10, effective 7/1/10]

27—10.75 to 10.79 Reserved.

PART 8

27—10.80(161A) General conditions, eligible practices and specifications. The purpose of this part is to establish the general conditions and limitations concerning practice implementation, the state-approved soil and water conservation practices eligible for state financial incentives and the specifications for which funded practices must conform.

27—10.81(161A) General conditions. The following general conditions shall be met, where applicable, in addition to the specifications in rule 27—10.84(161A). To the extent of any inconsistency between the general conditions and the specifications, the general conditions shall control.

10.81(1) Practice need. The designated soil and water conservation practices shall not be funded unless the technician has inspected the site and has determined that such practice(s) is needed to reduce excessive erosion or sedimentation.

10.81(2) Eligible practices must control erosion and sediment. Only those soil and water conservation practices applied to agricultural crop and pasture land whose primary function is to control soil erosion and prevent sediment damage will be eligible for incentive program funds.

10.81(3) *Limitation of reimbursable costs of practices.* Overbuilding or other practice modifications which exceed the minimum requirements of the specification shall be permitted, if approved by the technician. Any additional costs resulting from such overbuilding or exceeding of the minimum specifications shall not be cost shared by the state. Examples of overbuilding or exceeding specifications include but are not limited to the following:

- a.* Where a district cooperator desires that water be stored for purposes other than grade stabilization to control erosion,
- b.* Where additional top width is added to an earthen fill to provide a field crossing or road,
- c.* Where additional flow capacity for lowland drainage laterals is added to an underground outlet constructed as a component of a terrace system, and

10.81(4) *Materials.* Projects funded with Iowa financial incentive funds will utilize only new materials or used materials that meet or exceed design standards and have a life expectancy of 20 years.

10.81(5) *Existing practices.*

a. Repair and maintenance. Repair and maintenance of existing practices are not eligible for funding.

b. Addition of underground outlets. The addition of underground outlets to existing waterways and terraces is not eligible for funding.

10.81(6) *Upland treatment.* Seventy-five percent of the upland area shall be adequately treated for erosion control before waterways or grade stabilization structures will be funded.

10.81(7) *Seeding.*

a. Seeding required. Following practice construction, seeding shall be performed as appropriate in accordance with seeding specifications referenced in rule 10.84(161A), except as waived below.

b. Seeding after specified seeding dates. When the construction of a practice is completed after the seeding date contained in the specifications, seeding may be delayed until the following year. If delayed, the applicant shall be responsible for protecting the practice with temporary vegetative cover or other means until the seeding can be completed. For seeding delayed until the next year, the district may approve payment for the completed practice but such payment shall exclude the seeding cost. The remaining payment for seeding may be made available the following year.

10.81(8) *Diversions.* Rescinded IAB 5/19/10, effective 7/1/10.

10.81(9) *Converting land to permanent vegetative cover.* Rescinded IAB 5/19/10, effective 7/1/10.

10.81(10) *Underground outlet.* Rescinded IAB 5/19/10, effective 7/1/10.
[ARC 8766B, IAB 5/19/10, effective 7/1/10]

27—10.82(161A) State designation of eligible practices. Only those soil and water conservation practices listed in this rule are eligible for the Iowa financial incentives program funds.

10.82(1) *Residue and management practices.* The division will make one-time payments for residue and tillage management practices.

- a.* No-till planting.
- b.* Ridge-till planting.
- c.* Strip-till planting.

10.82(2) *Temporary practices.* The division will make one-time payments for temporary practices.

- a.* Critical area planting.
- b.* Contour farming.
- c.* Strip-cropping.
- d.* Field border.
- e.* Filter strips.
- f.* Pasture and hay planting. Pasture and hay planting will be eligible for funding only when land that has been planted to row crop for three out of the last five years is being converted to permanent vegetative cover.

10.82(3) *Permanent practices.*

- a.* Reserved.
- b.* Diversion. Diversions are eligible for funding only when used to prevent downstream erosion.

- c. Windbreak and shelterbelt establishment. A strip or belt of trees or shrubs established within or adjacent to a field to reduce sediment damage and soil depletion caused by wind.
- d. Grade stabilization structure.
- e. Reserved.
- f. Grassed waterway.
- g. Reserved.
- h. Terrace.
- i. Underground outlet. Underground outlets are eligible for Iowa financial incentive funding only when used as a component of eligible permanent practices contained in subrule 10.82(3).
- j. Water and sediment control basin.
- k. Reserved.
- l. Conservation cover.
- m. Tree and shrub planting. The minimum eligible area is three acres.

[ARC 8766B, IAB 5/19/10, effective 7/1/10]

27—10.83(161A) Designation of eligible practices. District commissioners may designate which soil and water conservation practices will be eligible for Iowa financial incentive payments in their district. The selected practices must be from the state-approved practices contained in rule 27—10.82(161A).

[ARC 8766B, IAB 5/19/10, effective 7/1/10]

27—10.84(161A) Practice standards and specifications. Practices shall meet Natural Resources Conservation Service conservation standards and specifications. These standards may be accessed through the electronic field office technical guide at http://efotg.nrcs.usda.gov/efotg_locator.aspx?map=IA. The tree planting standard may be accessed through the department of natural resources' forestry technical guide found at <http://www.iowadnr.com/forestry/pdf/techguide.pdf>. Standards and specifications are available in hard copy in the district office where the practice will be implemented. These specifications and the general conditions, rule 27—10.81(161A), shall be met in all cases. To the extent of any inconsistency between the general conditions and the specifications, the general conditions shall control.

27—10.85 to 10.89 Reserved.

PART 9

27—10.90 Reserved.

27—10.91(161A) Annual report. The district will submit an annual report to the division. The report will reflect accomplishments for the fiscal year ending June 30. The report shall be submitted to the division on or before July 7 each year.

27—10.92(161A) Control of lands. Rescinded IAB 5/19/10, effective 7/1/10.

27—10.93 and 10.94 Reserved.

27—10.95(161A) Forms. Standard forms, applications, and agreements used by the applicant and recipient of financial incentives for soil erosion control as outlined in these rules are provided by the division. Copies of all forms, applications, and agreements are available from the soil conservation district office located in each county. Copies are also available from the division at the following address: Division of Soil Conservation, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319.

27—10.96 to 10.99 Reserved.

Rules in Chapter 10 are intended to implement Iowa Code chapter 161A; 1994 Iowa Acts, chapter 1198, section 1, subsection 4, paragraphs “b,” “c,” and “d”; 1995 Iowa Acts, chapter 216, section 1,

subsection 4, paragraphs “b,” “c,” and “d”; 1996 Iowa Acts, chapter 1214, section 1, subsection 4, paragraphs “b,” “c,” and “d”; and 1997 Iowa Acts, House File 708, section 1, subsection 4, paragraphs “b,” “c,” and “d.”

- [Filed 9/17/76, Notice 7/12/76—published 10/6/76, effective 11/10/76¹]
- [Filed emergency 8/17/79—published 9/5/79, effective 8/17/79¹]
- [Filed 8/1/80, Notice 6/25/80—published 8/20/80, effective 9/25/80¹]
- [Filed 12/5/80, Notice 10/29/80—published 12/24/80, effective 1/29/81]
- [Filed emergency 4/10/81 after Notices 2/18/81—published 4/29/81, effective 4/24/81]
- [Filed emergency 8/14/81 after Notice 6/24/81—published 9/2/81, effective 8/14/81]
- [Filed 10/9/81, Notice 7/22/81—published 10/28/81, effective 12/4/81]
- [Filed 11/6/81, Notice 9/2/81—published 11/25/81, effective 1/1/82]
- [Filed emergency 8/13/82 after Notice 6/9/82—published 9/1/82, effective 8/13/82]
- [Filed emergency after Notice 7/12/83, Notice 5/25/83—published 8/3/83, effective 7/12/83]
- [Filed 8/10/83, Notice 6/22/83—published 8/31/83, effective 10/6/83]
- [Filed 4/6/84, Notice 12/21/83—published 4/25/84, effective 6/1/84]
- [Filed emergency 7/13/84 after Notice 5/23/84—published 8/1/84, effective 7/13/84]
- [Filed without notice 4/5/85—published 4/24/85, effective 5/29/85]
- [Filed emergency 6/28/85 after Notice 5/22/85—published 7/17/85, effective 6/28/85]
- [Filed 7/12/85, Notice 5/22/85—published 7/31/85, effective 9/4/85]
- [Filed 9/5/85, Notice 7/31/85—published 9/25/85, effective 10/30/85]
- [Filed emergency 7/10/86 after Notice 6/4/86—published 7/30/86, effective 7/10/86]
- [Filed 8/22/86, Notice 7/2/86—published 9/10/86, effective 10/15/86]
- [Filed emergency 6/11/87—published 7/1/87, effective 7/1/87]
- [Filed 9/4/87, Notice 7/1/87—published 9/23/87, effective 10/28/87]
- [Filed emergency 7/7/88 after Notice 6/1/88—published 7/27/88, effective 7/7/88]
- [Filed 12/7/88, Notice 8/10/88—published 12/28/88, effective 2/1/89]
- [Filed 12/7/88, Notice 9/7/88—published 12/28/88, effective 2/1/89]
- [Filed emergency 7/19/89 after Notice 6/14/89—published 8/9/89, effective 7/19/89]
- [Filed emergency 7/6/90 after Notice 5/30/90—published 7/25/90, effective 7/6/90]
- [Filed 2/1/91, Notice 12/26/90—published 2/20/91, effective 4/1/91]
- [Filed emergency 8/15/91 after Notice 7/10/91—published 9/4/91, effective 8/15/91]
- [Filed emergency 9/1/92 after Notice 7/22/92—published 9/30/92, effective 9/1/92]
- [Filed 3/26/93, Notice 12/23/92—published 4/14/93, effective 5/19/93]
- [Filed emergency 6/17/93—published 7/7/93, effective 6/17/93]
- [Filed emergency 7/13/94 after Notice 6/8/94—published 8/3/94, effective 7/13/94]
- [Filed emergency 7/26/95 after Notice 6/21/95—published 8/16/95, effective 7/26/95]
- [Filed emergency 7/24/96 after Notice 6/19/96—published 8/14/96, effective 7/24/96]
- [Filed emergency 7/23/97 after Notice 6/18/97—published 8/13/97, effective 7/23/97]
- [Filed 12/12/97, Notice 10/8/97—published 12/31/97, effective 2/4/98]
- [Filed 1/21/00, Notice 12/15/99—published 2/9/00, effective 3/29/00]
- [Filed 5/8/02, Notice 4/3/02—published 5/29/02, effective 7/3/02]
- [Filed emergency 6/27/07 after Notice 5/23/07—published 7/18/07, effective 6/27/07]
- [Filed Emergency After Notice ARC 7722B (Notice ARC 7594B, IAB 2/25/09), IAB 4/22/09, effective 4/1/09]
- [Filed ARC 8766B (Notice ARC 8618B, IAB 3/24/10), IAB 5/19/10, effective 7/1/10]
- [Filed ARC 0224C (Notice ARC 0127C, IAB 5/16/12), IAB 7/25/12, effective 8/29/12]

¹ History transferred from 780—Ch 7

CHAPTER 1
DESCRIPTION OF ORGANIZATION
[Prior to 3/9/88, see Landscape Architectural Examiners Board[540] Ch 1]

193D—1.1(544B,17A) Definitions. As used in these rules, the following definitions of words and terms shall apply:

“*Board*” means the Iowa landscape architectural examining board.

“*Landscape architect*” means a person who obtains a license and engages in the practice of landscape architecture under the authority of Iowa Code chapter 544B. For the purpose of these rules, a “professional landscape architect” may be referred to as a “landscape architect.”

“*Landscape architect, retired*” means a person who has retired from working as a landscape architect in all states of registration, who has requested “landscape architect, retired” status on the licensure renewal form, and whose request for “landscape architect, retired” status has been approved by the board. For the purpose of these rules, a “professional landscape architect, retired” may be referred to as a “landscape architect, retired.”

“*PLA*” means professional landscape architect.

“*Practice of landscape architecture*” means the rendering of professional service or offering to render professional service to clients, including any one or any combination of the professional services defined in Iowa Code section 544B.1 and 193D—subrule 2.2(1).

[ARC 0213C, IAB 7/25/12, effective 8/29/12]

193D—1.2(544B,17A) Organization and duties. The board consists of five members who are licensed professional landscape architects and two members who are not licensed professional landscape architects and who represent the general public. The board elects annually from its members a chairperson and a vice chairperson. A quorum of the board shall be four members, and all final motions and actions must receive a majority of a quorum vote. The board enforces the provisions of Iowa Code chapter 544B and maintains a roster of all licensed professional landscape architects in the state.

1.2(1) Chairperson. The chairperson shall, when present, preside at meetings, appoint committees, and perform all duties and powers of the chairperson.

1.2(2) Vice chairperson. The vice chairperson shall, in the absence or incapacity of the chairperson, exercise the duties and powers of the chairperson.

193D—1.3(544B,17A) Meetings. Calls for meetings shall be issued in accordance with Iowa Code section 21.4.

193D—1.4(544B,17A) Order of business. The chairperson or the chairperson’s designee shall prepare an agenda listing all matters to be discussed at meetings. A copy of this agenda shall be available to each member of the board. Procedures shall be in accordance with Robert’s Rules of Order.

193D—1.5(22) Public records and fair information practices. Board rules on public records and fair information practices may be found in the uniform rules for the division of professional licensing and regulation at 193—Chapter 13.

193D—1.6(68B) Sales of goods and services. Board rules on the sale of goods and services by board members may be found in the uniform rules for the division of professional licensing and regulation at 193—Chapter 11.

193D—1.7(17A) Petitions for rule making. Persons wishing to file a petition for rule making should consult the uniform rules for the division of professional licensing and regulation at 193—Chapter 9.

193D—1.8(17A) Declaratory orders. Persons wishing to seek a declaratory order from the board should consult the uniform rules for the division of professional licensing and regulation at 193—Chapter 10.

193D—1.9(252J,261) Denial of issuance or renewal of license for nonpayment of child support or student loan. Board rules on the denial of issuance or renewal of a license based on nonpayment of child support or student loan obligations may be found in the uniform rules for the division of professional licensing and regulation at 193—Chapter 8.

193D—1.10(17A) Waivers and variances.

1.10(1) Persons who wish to seek waivers or variances from board rules should consult the uniform rules for the division of professional licensing and regulation at 193—Chapter 5.

1.10(2) In addition to the provisions of 193—Chapter 5, the following shall apply for interim rulings:

a. The board chairperson, or vice chairperson if the chairperson is not available, may rule on a petition for waiver or variance when it would not be timely to wait for the next regularly scheduled board meeting for a ruling from the board.

b. The executive officer shall, upon receipt of a petition that meets all applicable criteria established in 193—Chapter 5, present the request to the board chairperson or vice chairperson along with all pertinent information regarding established precedent for granting or denying such requests.

c. The chairperson or vice chairperson shall reserve the right to hold an electronic meeting of the board when prior board precedent does not clearly resolve the request, input of the board is deemed required and the practical result of waiting until the next regularly scheduled meeting would be a denial of the request due to timing issues.

d. A waiver report shall be placed on the agenda of the next regularly scheduled board meeting and recorded in the minutes of the meeting.

e. This subrule on interim rulings does not apply if the waiver or variance was filed in a contested case.

193D—1.11(544B,17A,272C) Investigations and investigatory subpoenas. Board rules regarding investigations and investigatory subpoenas may be found in the uniform rules for the division of professional licensing and regulation at 193—Chapter 6.

193D—1.12(544B,17A,272C) Contested case procedures. Board rules on contested case procedures may be found in the uniform rules for the division of professional licensing and regulation at 193—Chapter 7.

193D—1.13(272C) Impaired licensees. Board rules governing impaired licensee review committees may be found in the uniform rules for the division of professional licensing and regulation at 193—Chapter 12.

These rules are intended to implement Iowa Code sections 544B.3, 544B.5, and 544B.15 and chapters 252J, 261, and 272C.

[Filed 2/2/76, Notice 12/29/75—published 2/9/76, effective 2/2/76]

[Filed emergency 4/14/78—published 5/3/78, effective 4/14/78]

[Filed 12/2/83, Notice 10/26/83—published 12/21/83, effective 1/25/84]

[Filed 2/18/88, Notice 12/16/87—published 3/9/88, effective 4/13/88]

[Filed without Notice 2/18/88—published 3/9/88, effective 4/13/88]

[Filed 10/16/95, Notice 8/2/95—published 11/8/95, effective 12/13/95]

[Filed 4/30/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]

[Filed 12/19/01, Notice 11/14/01—published 1/9/02, effective 2/13/02]

[Filed 7/24/03, Notice 5/14/03—published 8/20/03, effective 9/24/03]

[Filed ARC 0213C (Notice ARC 0086C, IAB 4/18/12), IAB 7/25/12, effective 8/29/12]

CHAPTER 2
EXAMINATIONS AND LICENSING
[Prior to 3/9/88, see Landscape Architectural Examiners Board[540] Ch 2]

193D—2.1(544B,17A) Definitions. As used in these rules, the following definitions of words and terms shall apply:

“*CLARB*” means the Council of Landscape Architectural Registration Boards.

“*Evidence*” means any document or record of any kind of drawings, specifications, photographs, diplomas, registrar’s statements, published data and certified personal statements as may be required as a part of any action on the part of the board. Each item of evidence shall be clearly marked to ensure positive and certain identification. It shall be the entire responsibility of the applicant to satisfy the board as to the sufficiency of the record and the evidence.

“*Intern landscape architect*” means an individual who has a degree in landscape architecture, who is employed under the direct supervision of a professional landscape architect, and who intends to actively pursue registration by completing the landscape architecture registration examination. The initials “I.L.A.” should not be used.

“*L.A., retired*” means the same as “landscape architect, retired.”

“*Landscape architect, retired*” means a person who has retired from working as a landscape architect in all states of registration, who has requested “landscape architect, retired” status on the licensure renewal form, and whose request for “landscape architect, retired” status has been approved by the board.

“*L.A.R.E.*” means the landscape architecture registration examination.

“*Years of practical experience*” means, for each year of practical experience the applicant has worked performing landscape architectural services, a minimum of 2,080 hours per year.

[ARC 0213C, IAB 7/25/12, effective 8/29/12]

193D—2.2(544B,17A) Application. An application to take the written examination shall be submitted on the form provided by the board and must be received in the board office no later than the last day of March for the June examination and the last day of September for the December examination. Candidates who successfully complete the examination may make application for certificate of licensure after meeting the requirements of Iowa Code section 544B.9.

2.2(1) The “practice of landscape architecture” means the performance of professional services such as consultations, investigations, reconnaissance, research, planning, design, or responsible supervision in connection with projects involving the arrangement of land and the elements thereon for public and private use and enjoyment, including the alignment of roadways and the location of buildings, service areas, parking areas, walkways, steps, ramps, pools and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape and aesthetic values, in accordance with accepted professional standards of public health, welfare and safety. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this chapter but shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of public streets and highways, utilities, storm and sanitary sewers, and sewage treatment facilities, such as are ordinarily included in the practice of engineering or architecture; and shall not include the making of land surveys or final land plats for official approval or recording. Nothing contained in this chapter shall be construed as authorizing a professional landscape architect to engage in the practice of architecture, engineering, or land surveying.

2.2(2) Each applicant shall submit with the formal application for a certificate of licensure evidence of the years of practical experience.

193D—2.3(544B,17A) Procedure for processing applications. Each application shall be considered individually by the board. A personal appearance before the board, if required, shall be at the time and place designated by the board. Failure to supply additional evidence or information within 30 days from the date of the written request from the board, or failure to appear before the board when an appearance is requested, may be considered cause for disapproval of the application. Unless otherwise provided

by law, a request for a rehearing before the board shall be filed with the board in accordance with 193—7.39(543,272C). A judicial review can be filed in accordance with Iowa Code section 17A.19.

193D—2.4(544B,17A) Examination of applicants. Examinations shall be conducted by the board at least once annually. Applicants need not meet preconditions to take the professional landscape architectural licensure examination, but applicants must meet requirements of Iowa Code section 544B.9 for registration.

193D—2.5(544B,17A) Written examination. The written examination shall consist of the professional landscape architectural licensure examination published by CLARB and may include supplementary questions developed by the board.

2.5(1) Instructions. A copy of examination instructions and notice of the date and location of the examination will be furnished to each applicant at least 30 days in advance of the examination. The examination is divided into several sections. An applicant may sit for any or all of the sections at a single sitting. Sections which are passed are not required to be repeated. An applicant who intends to sit for any sections not previously passed must file an application for reexamination with the proper fee(s) on a form provided by the board which must be received in the board office no later than the last day of March for the June examination and the last day of September for the December examination.

2.5(2) Grades. The board shall notify the examinee of the examination grade.

2.5(3) Examinations review process. Candidates may review their own graded examinations using the following procedures:

a. Within a maximum of 30 days from the date of the notification of failure, a written request by the candidate may be filed with the Iowa landscape architectural examining board to include:

- (1) Candidate number or name.
- (2) Date of examination.
- (3) Examination section requested to be reviewed.

b. The review time for each failed section may be limited by the board.

c. A board member or staff person must be present to observe and to provide assistance to the candidate.

d. There shall be no copying or tracing allowed; however, a candidate may take notes.

e. A candidate shall be allowed to review all of the candidate's examination, including evaluation guides and evaluators' score sheets.

f. The candidate shall sign a statement stating the terms of the review procedure.

193D—2.6(544B,17A) Exemption from written examination. The board may exempt from written examination an applicant who meets one of the following criteria:

1. The applicant holds a current CLARB certificate; or
2. The applicant holds a license to practice landscape architecture issued upon written examination by another jurisdiction, and has submitted a certificate from the jurisdiction of original licensure verifying that the applicant passed the examination in that jurisdiction.

193D—2.7(544B,17A) Certificate of licensure. Applicants will be notified by the board of their eligibility or ineligibility.

2.7(1) Payment. Upon payment of the license fee, the board will issue the certificate of licensure to an eligible professional landscape architect.

2.7(2) License number. The certificate will indicate the license number of the landscape architect which must appear on the professional landscape architect's seal and on all works signed by the professional landscape architect.

2.7(3) Certificate. Only one certificate of licensure shall be issued to a professional landscape architect. The certificate shall be displayed in a conspicuous place at the place of employment.

193D—2.8(17A,272C,544B) Renewal of certificates of registration. Certificates of registration expire biennially on June 30. In order to maintain authorization to practice in Iowa, a registrant is required

to renew the certificate of registration prior to the expiration date. A registrant who fails to renew by the expiration date is not authorized to practice landscape architecture in Iowa until the certificate is reinstated as provided in rule 193D—2.9(544B,17A).

2.8(1) It is the policy of the board to e-mail to each registrant a notice of the pending expiration date at the registrant's last-known address approximately one month prior to the date the certificate of registration is scheduled to expire. Failure to receive this notice does not relieve the registrant of the responsibility to timely renew the certificate and pay the renewal fee. A registrant should contact the board office if the registrant does not receive a renewal notice prior to the date of expiration.

2.8(2) If grounds exist to deny a timely and sufficient application to renew, the board shall send written notification to the applicant by restricted certified mail, return receipt requested. Grounds may exist to deny an application to renew if, for instance, the registrant failed to satisfy the continuing education as required as a condition for registration. If the basis for denial is pending disciplinary action or disciplinary investigation that is reasonably expected to culminate in disciplinary action, the board shall proceed as provided in 193—Chapter 7. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board's decision as provided in 193—subrule 7.40(1).

2.8(3) When a registrant appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.40(546,272C), offer a registrant the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation; establish deadlines for compliance; and require that the registrant complete hours equal to double the deficiency in addition to the required hours; and may impose additional educational requirements on the registrant. Any additional hours completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A registrant is free to accept or reject the offer. If the offer of settlement is accepted, the registrant will be issued a renewed certificate of registration and will be subject to disciplinary action if the terms of the consent order are not complied with. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the registrant pursuant to 193—subrule 7.40(1).

2.8(4) The board may notify registrants whose certificates of registration have expired. The failure of the board to provide this courtesy notification or the failure of the registrant to receive the notification shall not extend the date of expiration.

2.8(5) A registrant who continues to practice landscape architecture in Iowa after registration has expired shall be subject to disciplinary action. Such unauthorized activity may also be grounds to deny a registrant's application for reinstatement.

2.8(6) Licensees shall notify the board within 30 days of any change of address or business connection.

2.8(7) Retired status. A person who held a registration as a professional landscape architect, who is retired from the practice of landscape architecture in all states of registration, and who has applied for and has been granted retired status from the board may use the title "professional landscape architect, retired" or "PLA, retired." If the board determines an applicant is eligible, the retired status would become effective on the first scheduled registration renewal date. Applicants do not need to reinstate an expired registration to be eligible for retired status. Applicants may apply for retired status on forms provided by the board. The board will not provide a refund of biennial registration fees if an application for retired status is granted in a biennium in which the applicant has previously paid the biennial fees for either active or inactive status. Licensees with retired status are exempt from the renewal requirement.

a. Permitted practices. Persons registered in retired status may engage in the practices identified in paragraph 2.8(8)"c." Such persons may also provide services as technical experts before a court, including pre-litigation preparation, discovery, and testimony, on matters directly related to landscape architectural services provided by such persons prior to registering with the board in retired status.

b. Exemption. A person whose registration as a landscape architect has been placed on probation, suspended, revoked, or voluntarily surrendered in connection with a disciplinary investigation or

proceeding shall not be eligible for retired status unless the board, upon appropriate application, first reinstates the registration to good standing.

2.8(8) Inactive status. This subrule establishes a procedure under which a person issued a certificate of registration as a landscape architect may apply to the board to register as inactive. Registration under this subrule is available to a registrant residing within or outside the state of Iowa who is not using the title “landscape architect” while offering services as a landscape architect. A person eligible to register as inactive may, as an alternative to such registration, allow the certificate of registration to lapse. During any period of inactive status, a person shall not engage in the practice of landscape architecture while using the title “landscape architect” or any other title that might imply that the person is offering services as a landscape architect in violation of Iowa Code section 544B.18. The board will continue to maintain a database of persons registered as inactive, including information which is not routinely maintained after a certificate of registration has lapsed through the person’s failure to renew. A person who registers as inactive will accordingly receive a renewal notice if the notice is sent by the board, board newsletters, and other mass communications from the board.

a. Affirmation. The renewal application shall contain a statement in which the applicant affirms that the applicant will not engage in the practice of landscape architecture while using the title “landscape architect” in violation of Iowa Code section 544B.18, without first complying with all rules governing reinstatement to active status. A person in inactive status may reinstate to active status at any time pursuant to rule 193D—2.9(544B,17A).

b. Renewal. A person registered as inactive may renew the person’s certificate of registration on the biennial schedule described in 193D—2.8(544B,272C,17A). This person shall be exempt from the continuing education requirements and will be charged a reduced renewal fee as provided in 193D—2.10(544B,17A). An inactive certificate of registration shall lapse if not timely renewed.

c. Permitted practices. A person may, while registered as inactive or retired, perform for a client, business, employer, government body, or other entity those services which may lawfully be provided by a person to whom a certificate of registration has never been issued. For an “inactive” registrant, such services may be performed as long as the person does not in connection with such services use the title “landscape architect” or any other title restricted for use only by landscape architects pursuant to Iowa Code section 544B.18 (with or without additional designations such as “inactive”). Restricted titles may be used only by active landscape architects who are subject to continuing education requirements to ensure that the use of such titles is consistently associated with the maintenance of competency through continuing education. A “landscape architect, retired” may use the “landscape architect, retired” title; however, the person shall inform anyone to whom the person is providing services that the person once held an active landscape architect license but is no longer actively licensed or permitted to practice landscape architecture.

d. Prohibited practices. A person who, while registered as inactive, engages in any of the practices described in Iowa Code section 544B.18 is subject to disciplinary action.

[ARC 0213C, IAB 7/25/12, effective 8/29/12]

193D—2.9(544B,17A) Reinstatement.

2.9(1) Reinstatement to active status from lapsed status.

a. An individual may reinstate an expired certificate of registration to active status within two years of expiration by:

- (1) Paying the reinstatement fee of \$25 per month of expired registration;
- (2) Paying the current renewal fee;
- (3) Providing a written statement outlining the professional activities of the applicant during the period of nonregistration defined as the practice of landscape architecture in Iowa Code section 544B.1; and
- (4) Submitting documented evidence of completion of 12 contact hours of continuing education in health, safety, welfare subjects for each year or portion of a year of expired registration in compliance with requirements in 193D—Chapter 3. The hours reported shall be in addition to the 24 hours in health, safety, welfare subjects which should have been reported on the June 30 renewal date on which the

registrant failed to renew. The continuing education hours used for reinstatement to active status may not be used again at the next renewal.

Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

b. An individual may reinstate to active status a certificate of registration which has been expired for more than two years by:

- (1) Paying the reinstatement fee of \$25 per month of expired registration up to a maximum of \$750;
- (2) Paying the current renewal fee;
- (3) Providing a written statement outlining the professional activities of the applicant during the period of nonregistration defined as the practice of landscape architecture in Iowa Code section 544B.1; and
- (4) Submitting documented evidence of completion of continuing education as determined by the board. The board shall require no more than 48 hours in health, safety, welfare subjects; however, the hours reported shall not have been earned more than four years prior to the date of the application to reinstate to active status.

Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

The board shall review reinstatement applications on a case-by-case basis and may, at its discretion, require that the applicant take the L.A.R.E. as a prerequisite to reinstatement to active status.

2.9(2) Reinstatement to inactive status from lapsed status. An individual may reinstate a lapsed certificate of registration to inactive status as follows:

- a.* Reinstatement fees. The individual shall:
- (1) Pay the reinstatement fee of \$25 per month of expired registration up to a maximum of \$100 if the application for reinstatement is filed on or before June 30, 2009.
 - (2) Pay the reinstatement fee of \$25 per month of expired registration up to a maximum of \$750 if the application for reinstatement is filed on or after July 1, 2009.
- b.* The individual shall pay the current renewal fee.
- c.* The individual shall provide a written statement in which the individual affirms that the individual has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544B.18 during the period of lapsed registration.

2.9(3) Reinstatement to active status from inactive status or retired status. An individual may reinstate an inactive registration or retired registration to active registration as follows:

- a.* The individual shall pay the current active registration fee. If the individual is reinstating to active status at a date that is less than 12 months from the next biennial renewal date, one-half of the current active registration fee shall be paid.
- b.* The individual shall submit documented evidence of completion of 24 contact hours (16 contact hours in public protection subjects) of continuing education in compliance with requirements in 193D—Chapter 3. The continuing education hours used for reinstatement to active status may not be used again at the next renewal.
- c.* Continuing education for subsequent renewals.
- (1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of registration to active status, the individual shall not be required to report continuing education.
 - (2) At the first biennial renewal date of July 1 that is more than 12 months, but less than 24 months, from the date of the filing of the application to restore the certificate of registration to active status, the individual shall report 12 hours of previously unreported continuing education.

2.9(4) An individual shall not be allowed to reinstate to inactive status from retired status.

193D—2.10(544B,17A) Fee schedule. The appropriate examination fee or examination exemption filing fee shall accompany the application. Filing fees are not refundable.

Examination fee	not to exceed \$1000
Initial examination filing fee	\$50
Proctoring fee	\$50
Examination exemption fee	\$300
(This certificate of registration is to be effective to the June 30 which is at least 12 months beyond the date of the application.)	
Wall certificate fee	\$50
Wall certificate replacement fee	\$25
Certificate of registration fee	\$15/month
(This certificate of registration is to be effective the day of board action until June 30.)	
Biennial registration fee (active)	\$350
Biennial registration fee (inactive)	\$100
Reinstatement of lapsed registration	not to exceed \$750
“Landscape architect, retired” status	\$0 (No fee)

[ARC 0213C, IAB 7/25/12, effective 8/29/12]

These rules are intended to implement Iowa Code chapters 17A and 544B.

[Filed 2/2/76, Notice 12/29/75—published 2/9/76, effective 2/2/76]

[Filed emergency 5/18/76—published 5/31/76, effective 5/18/76]

[Filed emergency 5/25/77, Notice 4/20/77—published 6/15/77, effective 5/25/77]

[Filed 7/20/77, Notice 5/4/77—published 8/10/77, effective 9/14/77]

[Filed emergency 4/14/78—published 5/3/78, effective 4/14/78]

[Filed 3/13/80, Notice 2/6/80—published 4/2/80, effective 5/7/80]

[Filed emergency 4/30/80—published 5/28/80, effective 5/1/80]

[Filed 3/29/82, Notice 1/20/82—published 4/14/82, effective 5/19/82]

[Filed 12/2/83, Notice 10/26/83—published 12/21/83, effective 1/25/84]

[Filed 2/18/88, Notice 12/16/87—published 3/9/88, effective 4/13/88]

[Filed without Notice 2/18/88—published 3/9/88, effective 4/13/88]

[Filed 8/1/91, Notice 5/15/91—published 8/21/91, effective 9/25/91]

[Filed 12/30/92, Notice 10/28/92—published 1/20/93, effective 2/24/93]

[Filed 11/19/93, Notice 5/12/93—published 12/8/93, effective 1/12/94]

[Filed 10/20/94, Notice 5/11/94—published 11/9/94, effective 12/14/94]

[Filed 10/16/95, Notice 8/2/95—published 11/8/95, effective 12/13/95]

[Filed 4/5/96, Notice 1/3/96—published 4/24/96, effective 5/29/96]

[Filed 12/19/01, Notice 11/14/01—published 1/9/02, effective 2/13/02]

[Filed 7/24/03, Notice 5/14/03—published 8/20/03, effective 9/24/03]

[Filed 3/16/04, Notice 1/21/04—published 4/14/04, effective 5/19/04]

[Filed 11/3/04, Notice 7/7/04—published 11/24/04, effective 12/29/04]

[Filed 10/20/05, Notice 8/3/05—published 11/9/05, effective 12/14/05]

[Filed 5/3/07, Notice 2/14/07—published 5/23/07, effective 6/27/07]

[Filed 4/29/08, Notice 2/13/08—published 5/21/08, effective 6/25/08]

[Filed ARC 0213C (Notice ARC 0086C, IAB 4/18/12), IAB 7/25/12, effective 8/29/12]

PROFESSIONAL LICENSURE DIVISION[645]

Created within the Department of Public Health[641] by 1986 Iowa Acts, chapter 1245.
Prior to 7/29/87, for Chs. 20 to 22 see Health Department[470] Chs. 152 to 154.

CHAPTERS 1 to 3

Reserved

CHAPTER 4**BOARD ADMINISTRATIVE PROCESSES**

- 4.1(17A) Definitions
- 4.2(17A) Purpose of board
- 4.3(17A,147,272C) Organization of board and proceedings
- 4.4(17A) Official communications
- 4.5(17A) Office hours
- 4.6(21) Public meetings
- 4.7(147) Licensure by reciprocal agreement
- 4.8(147) Duplicate certificate or wallet card
- 4.9(147) Reissued certificate or wallet card
- 4.10(17A,147,272C) License denial
- 4.11(272C) Audit of continuing education
- 4.12(272C,83GA,SF2325) Automatic exemption
- 4.13(272C) Grounds for disciplinary action
- 4.14(272C) Continuing education exemption for disability or illness
- 4.15(147,272C) Order for physical, mental, or clinical competency examination or alcohol or drug screening
- 4.16(252J,261,272D) Noncompliance rules regarding child support, loan repayment and nonpayment of state debt

CHAPTER 5**FEES**

- 5.1(147,152D) Athletic training license fees
- 5.2(147,158) Barbering license fees
- 5.3(147,154D) Behavioral science license fees
- 5.4(151) Chiropractic license fees
- 5.5(147,157) Cosmetology arts and sciences license fees
- 5.6(147,152A) Dietetics license fees
- 5.7(147,154A) Hearing aid dispensers license fees
- 5.8(147) Massage therapy license fees
- 5.9(147,156) Mortuary science license fees
- 5.10(147,155) Nursing home administrators license fees
- 5.11(147,148B) Occupational therapy license fees
- 5.12(147,154) Optometry license fees
- 5.13(147,148A) Physical therapy license fees
- 5.14(148C) Physician assistants license fees
- 5.15(147,149) Podiatry license fees
- 5.16(147,154B) Psychology license fees
- 5.17(147,152B) Respiratory care license fees
- 5.18(147,154E) Sign language interpreters and transliterators license fees
- 5.19(147,154C) Social work license fees
- 5.20(147) Speech pathology and audiology license fees

CHAPTER 6
PETITIONS FOR RULE MAKING

- 6.1(17A) Petition for rule making
- 6.2(17A) Inquiries

CHAPTER 7
AGENCY PROCEDURE FOR RULE MAKING

- 7.1(17A) Adoption by reference

CHAPTER 8
DECLARATORY ORDERS
(Uniform Rules)

- 8.1(17A) Petition for declaratory order
- 8.2(17A) Notice of petition
- 8.3(17A) Intervention
- 8.5(17A) Inquiries

CHAPTER 9
COMPLAINTS AND INVESTIGATIONS

- 9.1(272C) Complaints
- 9.2(272C) Report of malpractice claims or actions or disciplinary actions
- 9.3(272C) Report of acts or omissions
- 9.4(272C) Investigation of complaints or reports
- 9.5(17A,272C) Issuance of investigatory subpoenas
- 9.6(272C) Peer review committees
- 9.7(17A) Appearance

CHAPTER 10
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
(Uniform Rules)

- 10.1(17A,22) Definitions
- 10.3(17A,22) Requests for access to records
- 10.5(17A,22) Request for treatment of a record as a confidential record and its withholding from examination
- 10.6(17A,22) Procedures by which additions, dissents, or objections may be entered into certain records
- 10.9(17A,22) Disclosures without the consent of the subject
- 10.10(17A,22) Routine use
- 10.11(17A,22) Consensual disclosure of confidential records
- 10.12(17A,22) Release to subject
- 10.13(17A,22) Availability of records
- 10.14(17A,22) Personally identifiable information
- 10.15(22) Other groups of records routinely available for public inspection
- 10.16(17A,22) Applicability

CHAPTER 11
CONTESTED CASES

- 11.1(17A) Scope and applicability
- 11.2(17A) Definitions
- 11.3(17A) Time requirements
- 11.4(17A) Probable cause
- 11.5(17A) Legal review
- 11.6(17A) Statement of charges and notice of hearing
- 11.7(17A,272C) Legal representation

11.8(17A,272C)	Presiding officer in a disciplinary contested case
11.9(17A)	Presiding officer in a nondisciplinary contested case
11.10(17A)	Disqualification
11.11(17A)	Consolidation—severance
11.12(17A)	Answer
11.13(17A)	Service and filing
11.14(17A)	Discovery
11.15(17A,272C)	Issuance of subpoenas in a contested case
11.16(17A)	Motions
11.17(17A)	Prehearing conferences
11.18(17A)	Continuances
11.19(17A,272C)	Hearing procedures
11.20(17A)	Evidence
11.21(17A)	Default
11.22(17A)	Ex parte communication
11.23(17A)	Recording costs
11.24(17A)	Interlocutory appeals
11.25(17A)	Applications for rehearing
11.26(17A)	Stays of agency actions
11.27(17A)	No factual dispute contested cases
11.28(17A)	Emergency adjudicative proceedings
11.29(17A)	Appeal
11.30(272C)	Publication of decisions
11.31(272C)	Reinstatement
11.32(17A,272C)	License denial

CHAPTER 12 INFORMAL SETTLEMENT

12.1(17A,272C)	Informal settlement
----------------	---------------------

CHAPTER 13 DISCIPLINE

13.1(272C)	Method of discipline
13.2(272C)	Discretion of board
13.3(272C)	Conduct of persons attending meetings

CHAPTERS 14 and 15 Reserved

CHAPTER 16 IMPAIRED PRACTITIONER REVIEW COMMITTEE

16.1(272C)	Definitions
16.2(272C)	Purpose
16.3(272C)	Composition of the committee
16.4(272C)	Organization of the committee
16.5(272)	Eligibility
16.6(272C)	Meetings
16.7(272C)	Terms of participation
16.8(272C)	Noncompliance
16.9(272C)	Practice restrictions
16.10(272C)	Limitations
16.11(272C)	Confidentiality

CHAPTER 17
MATERIALS FOR BOARD REVIEW

17.1(147) Materials for board review

CHAPTER 18
WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES

18.1(17A,147,272C) Definitions
18.2(17A,147,272C) Scope of chapter
18.3(17A,147,272C) Applicability of chapter
18.4(17A,147,272C) Criteria for waiver or variance
18.5(17A,147,272C) Filing of petition
18.6(17A,147,272C) Content of petition
18.7(17A,147,272C) Additional information
18.8(17A,147,272C) Notice
18.9(17A,147,272C) Hearing procedures
18.10(17A,147,272C) Ruling
18.11(17A,147,272C) Public availability
18.12(17A,147,272C) Summary reports
18.13(17A,147,272C) Cancellation of a waiver
18.14(17A,147,272C) Violations
18.15(17A,147,272C) Defense
18.16(17A,147,272C) Judicial review

CHAPTERS 19 and 20
Reserved

BARBERS

CHAPTER 21
LICENSURE

21.1(158) Definitions
21.2(158) Requirements for licensure
21.3(158) Examination requirements for barbers and barber instructors
21.4 Reserved
21.5(158) Licensure by endorsement
21.6 Reserved
21.7(158) Temporary permits to practice barbering
21.8(158) Demonstrator's permit
21.9(158) License renewal
21.10 Reserved
21.11(158) Requirements for a barbershop license
21.12(158) Barbershop license renewal
21.13 to 21.15 Reserved
21.16(17A,147,272C) License reactivation
21.17(17A,147,272C) Reactivation of a barbershop license
21.18(17A,147,272C) License reinstatement

CHAPTER 22
SANITATION

22.1(158) Definitions
22.2(158) Posting of sanitation rules and inspection report
22.3(147) Display of licenses
22.4(158) Responsibilities of barbershop owner and supervisor
22.5(158) Building standards

22.6(158)	Barbershops in residential buildings
22.7(158)	Barbershops adjacent to other businesses
22.8(142D,158)	Smoking
22.9(158)	Personal cleanliness
22.10(158)	Universal precautions
22.11(158)	Minimum equipment and supplies
22.12(158)	Disinfecting nonelectrical instruments and equipment
22.13(158)	Disinfecting electrical instruments
22.14(158)	Instruments and supplies that cannot be disinfected
22.15(158)	Semisolids, dusters, and styptics
22.16(158)	Disposal of materials
22.17(158)	Prohibited hazardous substances and use of products
22.18(158)	Proper protection of neck
22.19(158)	Proper laundering and storage
22.20(158)	Pets
22.21(158)	Records

CHAPTER 23 BARBER SCHOOLS

23.1(158)	Definitions
23.2(158)	Licensing for barber schools
23.3(158)	School license renewal
23.4(272C)	Inactive school license
23.5	Reserved
23.6(158)	Physical requirements for barber schools
23.7(158)	Minimum equipment requirements
23.8(158)	Course of study requirements
23.9(158)	Instructors
23.10(158)	Students
23.11(158)	Attendance requirements
23.12(158)	Graduate of a barber school
23.13(147)	Records requirements
23.14(158)	Public notice
23.15(158)	Apprenticeship

CHAPTER 24 CONTINUING EDUCATION FOR BARBERS

24.1(158)	Definitions
24.2(158)	Continuing education requirements
24.3(158,272C)	Standards

CHAPTER 25 DISCIPLINE FOR BARBERS, BARBER INSTRUCTORS, BARBERSHOPS AND BARBER SCHOOLS

25.1(158)	Definitions
25.2(272C)	Grounds for discipline
25.3(158,272C)	Method of discipline
25.4(272C)	Discretion of board

CHAPTERS 26 to 30 Reserved

BEHAVIORAL SCIENTISTS

CHAPTER 31
LICENSURE OF MARITAL AND FAMILY THERAPISTS
AND MENTAL HEALTH COUNSELORS

31.1(154D)	Definitions
31.2(154D)	Requirements for permanent and temporary licensure
31.3(154D)	Examination requirements
31.4(154D)	Educational qualifications for marital and family therapists
31.5(154D)	Clinical experience requirements for marital and family therapists
31.6(154D)	Educational qualifications for mental health counselors
31.7(154D)	Clinical experience requirements for mental health counselors
31.8(154D)	Licensure by endorsement
31.9	Reserved
31.10(147)	License renewal
31.11	Reserved
31.12(147)	Licensee record keeping
31.13 to 31.15	Reserved
31.16(17A,147,272C)	License reactivation
31.17(17A,147,272C)	License reinstatement
31.18(154D)	Marital and family therapy and mental health counselor services subject to regulation

CHAPTER 32
CONTINUING EDUCATION FOR MARITAL AND
FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS

32.1(272C)	Definitions
32.2(272C)	Continuing education requirements
32.3(154D,272C)	Standards

CHAPTER 33
DISCIPLINE FOR MARITAL AND FAMILY THERAPISTS
AND MENTAL HEALTH COUNSELORS

33.1(154D)	Definitions
33.2(154D,272C)	Grounds for discipline
33.3(147,272C)	Method of discipline
33.4(272C)	Discretion of board

CHAPTERS 34 to 40
Reserved

CHIROPRACTIC

CHAPTER 41
LICENSURE OF CHIROPRACTIC PHYSICIANS

41.1(151)	Definitions
41.2(151)	Requirements for licensure
41.3(151)	Examination requirements
41.4(151)	Educational qualifications
41.5(151)	Temporary certificate
41.6(151)	Licensure by endorsement
41.7	Reserved
41.8(151)	License renewal
41.9 to 41.13	Reserved

- 41.14(17A,147,272C) License reactivation
- 41.15(17A,147,272C) License reinstatement

CHAPTER 42

COLLEGES FOR CHIROPRACTIC PHYSICIANS

- 42.1(151) Definitions
- 42.2(151) Board-approved chiropractic colleges
- 42.3(151) Practice by chiropractic interns and chiropractic residents
- 42.4(151) Approved chiropractic preceptorship program
- 42.5(151) Approved chiropractic physician preceptors
- 42.6(151) Termination of preceptorship

CHAPTER 43

PRACTICE OF CHIROPRACTIC PHYSICIANS

- 43.1(151) Definitions
- 43.2(147,272C) Principles of chiropractic ethics
- 43.3(514F) Utilization and cost control review
- 43.4(151) Chiropractic insurance consultant
- 43.5(151) Acupuncture
- 43.6 Reserved
- 43.7(151) Adjunctive procedures
- 43.8(151) Physical examination
- 43.9(151) Gonad shielding
- 43.10(151) Record keeping
- 43.11(151) Billing procedures
- 43.12(151) Chiropractic assistants

CHAPTER 44

CONTINUING EDUCATION FOR CHIROPRACTIC PHYSICIANS

- 44.1(151) Definitions
- 44.2(272C) Continuing education requirements
- 44.3(151,272C) Standards

CHAPTER 45

DISCIPLINE FOR CHIROPRACTIC PHYSICIANS

- 45.1(151) Definitions
- 45.2(151,272C) Grounds for discipline
- 45.3(147,272C) Method of discipline
- 45.4(272C) Discretion of board

CHAPTERS 46 to 59

Reserved

COSMETOLOGISTS

CHAPTER 60

LICENSURE OF COSMETOLOGISTS, ELECTROLOGISTS, ESTHETICIANS, MANICURISTS, NAIL TECHNOLOGISTS, AND INSTRUCTORS OF COSMETOLOGY ARTS AND SCIENCES

- 60.1(157) Definitions
- 60.2(157) Requirements for licensure
- 60.3(157) Criteria for licensure in specific practice disciplines
- 60.4(157) Practice-specific training requirements
- 60.5(157) Licensure restrictions relating to practice

60.6(157)	Consent form requirements
60.7(157)	Licensure by endorsement
60.8(157)	License renewal
60.9(157)	Temporary permits
60.10 to 60.16	Reserved
60.17(17A,147,272C)	License reactivation
60.18(17A,147,272C)	License reinstatement

CHAPTER 61

LICENSURE OF SALONS AND SCHOOLS OF COSMETOLOGY ARTS AND SCIENCES

61.1(157)	Definitions
61.2(157)	Salon licensing
61.3(157)	Salon license renewal
61.4(272C)	Inactive salon license
61.5(157)	Display requirements for salons
61.6(147)	Duplicate certificate or wallet card for salons
61.7(157)	Licensure for schools of cosmetology arts and sciences
61.8(157)	School license renewal
61.9(272C)	Inactive school license
61.10(157)	Display requirements for schools
61.11	Reserved
61.12(157)	Physical requirements for schools of cosmetology arts and sciences
61.13(157)	Minimum equipment requirements
61.14(157)	Course of study requirements
61.15(157)	Instructors
61.16(157)	Student instructors
61.17(157)	Students
61.18(157)	Attendance requirements
61.19(157)	Accelerated learning
61.20(157)	Mentoring program
61.21(157)	Graduate of a school of cosmetology arts and sciences
61.22(157)	Records requirements
61.23(157)	Classrooms used for other educational purposes
61.24(157)	Public notice

CHAPTER 62

Reserved

CHAPTER 63

SANITATION FOR SALONS AND SCHOOLS OF COSMETOLOGY ARTS AND SCIENCES

63.1(157)	Definitions
63.2(157)	Posting of sanitation rules and inspection report
63.3(157)	Responsibilities of salon owners
63.4(157)	Responsibilities of licensees
63.5(157)	Joint responsibility
63.6(157)	Building standards
63.7(157)	Salons in residential buildings
63.8(157)	Salons adjacent to other businesses
63.9(157)	Smoking
63.10(157)	Personal cleanliness
63.11(157)	Universal precautions
63.12(157)	Blood spill procedures

63.13(157)	Disinfecting instruments and equipment
63.14(157)	Instruments and supplies that cannot be disinfected
63.15(157)	Sterilizing instruments
63.16(157)	Sanitary methods for creams, cosmetics and applicators
63.17	Reserved
63.18(157)	Prohibited hazardous substances and use of products and equipment
63.19(157)	Proper protection of neck
63.20(157)	Proper laundering and storage
63.21(157)	Pets
63.22(157)	General maintenance
63.23(157)	Records
63.24(157)	Salons and schools providing electrology or esthetics
63.25(157)	Cleaning and disinfecting circulating and noncirculating tubs, bowls, and spas
63.26(157)	Paraffin wax

CHAPTER 64

CONTINUING EDUCATION FOR COSMETOLOGY ARTS AND SCIENCES

64.1(157)	Definitions
64.2(157)	Continuing education requirements
64.3(157,272C)	Standards

CHAPTER 65

DISCIPLINE FOR COSMETOLOGY ARTS AND SCIENCES LICENSEES,
INSTRUCTORS, SALONS, AND SCHOOLS

65.1(157,272C)	Definitions
65.2(157,272C)	Grounds for discipline
65.3(157,272C)	Method of discipline
65.4(272C)	Discretion of board
65.5(157)	Civil penalties against nonlicensees

CHAPTERS 66 to 80

Reserved

DIETITIANS

CHAPTER 81

LICENSURE OF DIETITIANS

81.1(152A)	Definitions
81.2(152A)	Nutrition care
81.3	Reserved
81.4(152A)	Requirements for licensure
81.5(152A)	Educational qualifications
81.6(152A)	Supervised experience
81.7(152A)	Licensure by endorsement
81.8	Reserved
81.9(152A)	License renewal
81.10 to 81.14	Reserved
81.15(17A,147,272C)	License reactivation
81.16(17A,147,272C)	License reinstatement

CHAPTER 82
CONTINUING EDUCATION FOR DIETITIANS

- | | |
|-----------------|-----------------------------------|
| 82.1(152A) | Definitions |
| 82.2(152A) | Continuing education requirements |
| 82.3(152A,272C) | Standards |

CHAPTER 83
DISCIPLINE FOR DIETITIANS

- | | |
|-----------------|------------------------|
| 83.1(152A) | Definitions |
| 83.2(152A,272C) | Grounds for discipline |
| 83.3(152A,272C) | Method of discipline |
| 83.4(272C) | Discretion of board |

CHAPTERS 84 to 99
Reserved

FUNERAL DIRECTORS

CHAPTER 100
PRACTICE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS,
AND CREMATION ESTABLISHMENTS

- | | |
|----------------|---|
| 100.1(156) | Definitions |
| 100.2(156) | Funeral director duties |
| 100.3(156) | Permanent identification tag |
| 100.4(142,156) | Removal and transfer of dead human remains and fetuses |
| 100.5(135,144) | Burial transit permits |
| 100.6(156) | Prepreparation and embalming activities |
| 100.7(156) | Arranging and directing funeral and memorial ceremonies |
| 100.8(142,156) | Unclaimed dead human remains for scientific use |
| 100.9(144) | Disinterments |
| 100.10(156) | Cremation of human remains and fetuses |

CHAPTER 101
LICENSURE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND
CREMATION ESTABLISHMENTS

- | | |
|----------------------|--|
| 101.1(156) | Definitions |
| 101.2(156) | Requirements for licensure |
| 101.3(156) | Educational qualifications |
| 101.4(156) | Examination requirements |
| 101.5(147,156) | Internship and preceptorship |
| 101.6(156) | Student practicum |
| 101.7(156) | Funeral establishment license or cremation establishment license or both establishment licenses |
| 101.8(156) | Licensure by endorsement |
| 101.9 | Reserved |
| 101.10(156) | License renewal |
| 101.11 and 101.12 | Reserved |
| 101.13(272C) | Renewal of a funeral establishment license or cremation establishment license or both establishment licenses |
| 101.14(272C) | Inactive funeral establishment license or cremation establishment license or both establishment licenses |
| 101.15(17A,147,272C) | License reinstatement |
| 101.16 and 101.17 | Reserved |

- 101.18(17A,147,272C) License reactivation
- 101.19(17A,147,272C) License reinstatement

CHAPTER 102

CONTINUING EDUCATION FOR FUNERAL DIRECTORS

- 102.1(272C) Definitions
- 102.2(272C) Continuing education requirements
- 102.3(156,272C) Standards
- 102.4 Reserved
- 102.5(83GA,SF2325) Automatic exemption

CHAPTER 103

DISCIPLINARY PROCEEDINGS

- 103.1(156) Definitions
- 103.2(17A,147,156,272C) Disciplinary authority
- 103.3(17A,147,156,272C) Grounds for discipline against funeral directors
- 103.4(17A,147,156,272C) Grounds for discipline against funeral establishments and cremation establishments
- 103.5(17A,147,156,272C) Method of discipline
- 103.6(17A,147,156,272C) Board discretion in imposing disciplinary sanctions
- 103.7(156) Order for mental, physical, or clinical competency examination or alcohol or drug screening
- 103.8(17A,147,156,272C) Informal discussion

CHAPTER 104

ENFORCEMENT PROCEEDINGS AGAINST NONLICENSEES

- 104.1(156) Civil penalties against nonlicensees
- 104.2(156) Unlawful practices
- 104.3(156) Investigations
- 104.4(156) Subpoenas
- 104.5(156) Notice of intent to impose civil penalties
- 104.6(156) Requests for hearings
- 104.7(156) Factors to consider
- 104.8(156) Enforcement options

CHAPTERS 105 to 120

Reserved

HEARING AID DISPENSERS

CHAPTER 121

LICENSURE OF HEARING AID DISPENSERS

- 121.1(154A) Definitions
- 121.2(154A) Temporary permits
- 121.3(154A) Supervision requirements
- 121.4(154A) Requirements for initial licensure
- 121.5(154A) Examination requirements
- 121.6(154A) Licensure by endorsement
- 121.7 Reserved
- 121.8(154A) Display of license
- 121.9(154A) License renewal
- 121.10 to 121.13 Reserved
- 121.14(17A,147,272C) License reactivation
- 121.15(17A,147,272C) License reinstatement

CHAPTER 122

CONTINUING EDUCATION FOR HEARING AID DISPENSERS

- 122.1(154A) Definitions
- 122.2(154A) Continuing education requirements
- 122.3(154A,272C) Standards

CHAPTER 123

PRACTICE OF HEARING AID DISPENSING

- 123.1(154A) Definitions
- 123.2(154A) Requirements prior to sale of a hearing aid
- 123.3(154A) Requirements for sales receipt
- 123.4(154A) Requirements for record keeping

CHAPTER 124

DISCIPLINE FOR HEARING AID DISPENSERS

- 124.1(154A,272C) Definitions
- 124.2(154A,272C) Grounds for discipline
- 124.3(154A,272C) Method of discipline
- 124.4(272C) Discretion of board

CHAPTERS 125 to 130

Reserved

MASSAGE THERAPISTS

CHAPTER 131

LICENSURE OF MASSAGE THERAPISTS

- 131.1(152C) Definitions
- 131.2(152C) Requirements for licensure
- 131.3(152C) Educational qualifications
- 131.4(152C) Examination requirements
- 131.5(152C) Temporary licensure of a licensee from another state
- 131.6(152C) Licensure by endorsement
- 131.7 Reserved
- 131.8(152C) License renewal
- 131.9 to 131.13 Reserved
- 131.14(17A,147,272C) License reactivation
- 131.15(17A,147,272C) License reinstatement

CHAPTER 132

MASSAGE THERAPY EDUCATION CURRICULUM

- 132.1(152C) Definitions
- 132.2(152C) Application for approval of massage therapy education curriculum
- 132.3(152C) Curriculum requirements
- 132.4(152C) Student clinical practicum standards
- 132.5(152C) School certificate or diploma
- 132.6(152C) School records retention
- 132.7(152C) Massage school curriculum compliance
- 132.8(152C) Denial or withdrawal of approval

CHAPTER 133

CONTINUING EDUCATION FOR MASSAGE THERAPISTS

- 133.1(152C) Definitions
- 133.2(152C) Continuing education requirements
- 133.3(152C,272C) Continuing education criteria

CHAPTER 134

DISCIPLINE FOR MASSAGE THERAPISTS

- 134.1(152C) Definitions
- 134.2(152C,272C) Grounds for discipline
- 134.3(147,272C) Method of discipline
- 134.4(272C) Discretion of board
- 134.5(152C) Civil penalties

CHAPTERS 135 to 140

Reserved

NURSING HOME ADMINISTRATORS

CHAPTER 141

LICENSURE OF NURSING HOME ADMINISTRATORS

- 141.1(155) Definitions
- 141.2(155) Requirements for licensure
- 141.3(147,155) Examination requirements
- 141.4(155) Educational qualifications
- 141.5(155) Practicum experience
- 141.6(155) Provisional administrator
- 141.7(155) Licensure by endorsement
- 141.8(147,155) Licensure by reciprocal agreement
- 141.9(147,155) License renewal
- 141.10 to 141.14 Reserved
- 141.15(17A,147,272C) License reactivation
- 141.16(17A,147,272C) License reinstatement

CHAPTER 142

Reserved

CHAPTER 143

CONTINUING EDUCATION FOR NURSING HOME ADMINISTRATION

- 143.1(272C) Definitions
- 143.2(272C) Continuing education requirements
- 143.3(155,272C) Standards
- 143.4(155,272C) Audit of continuing education report
- 143.5(155,272C) Automatic exemption
- 143.6(272C) Continuing education exemption for disability or illness
- 143.7(155,272C) Grounds for disciplinary action

CHAPTER 144

DISCIPLINE FOR NURSING HOME ADMINISTRATORS

- 144.1(155) Definitions
- 144.2(155,272C) Grounds for discipline
- 144.3(155,272C) Method of discipline

- 144.4(272C) Discretion of board
144.5(155) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTERS 145 to 179

Reserved

OPTOMETRISTS

CHAPTER 180

LICENSURE OF OPTOMETRISTS

- 180.1(154) Definitions
180.2(154) Requirements for licensure
180.3(154) Licensure by endorsement
180.4 Reserved
180.5(154) License renewal
180.6 to 180.10 Reserved
180.11(17A,147,272C) License reactivation
180.12(17A,147,272C) License reinstatement

CHAPTER 181

CONTINUING EDUCATION FOR OPTOMETRISTS

- 181.1(154) Definitions
181.2(154) Continuing education requirements
181.3(154,272C) Standards

CHAPTER 182

PRACTICE OF OPTOMETRISTS

- 182.1(154) Code of ethics
182.2(154,272C) Record keeping
182.3(154) Furnishing prescriptions
182.4(155A) Prescription drug orders

CHAPTER 183

DISCIPLINE FOR OPTOMETRISTS

- 183.1(154) Definitions
183.2(154,272C) Grounds for discipline
183.3(147,272C) Method of discipline
183.4(272C) Discretion of board

CHAPTERS 184 to 199

Reserved

CHAPTER 200

LICENSURE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

- 200.1(147) Definitions
200.2(147) Requirements for licensure
200.3 Reserved
200.4(147) Examination requirements for physical therapists and physical therapist assistants
200.5(147) Educational qualifications
200.6(272C) Supervision requirements
200.7(147) Licensure by endorsement
200.8 Reserved
200.9(147) License renewal
200.10 to 200.14 Reserved

- 200.15(17A,147,272C) License reactivation
- 200.16(17A,147,272C) License reinstatement

CHAPTER 201

PRACTICE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

- 201.1(148A,272C) Code of ethics for physical therapists and physical therapist assistants
- 201.2(147) Record keeping

CHAPTER 202

DISCIPLINE FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

- 202.1(148A) Definitions
- 202.2(272C) Grounds for discipline
- 202.3(147,272C) Method of discipline
- 202.4(272C) Discretion of board

CHAPTER 203

CONTINUING EDUCATION FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

- 203.1(272C) Definitions
- 203.2(148A) Continuing education requirements
- 203.3(148A,272C) Standards

CHAPTERS 204 and 205

Reserved

CHAPTER 206

LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

- 206.1(147) Definitions
- 206.2(147) Requirements for licensure
- 206.3(147) Limited permit to practice pending licensure
- 206.4(147) Applicant occupational therapist and occupational therapy assistant
- 206.5(147) Practice of occupational therapy limited permit holders and endorsement applicants prior to licensure
- 206.6(147) Examination requirements
- 206.7(147) Educational qualifications
- 206.8(148B) Supervision requirements
- 206.9(147) Licensure by endorsement
- 206.10(147) License renewal
- 206.11(17A,147,272C) License reactivation
- 206.12(17A,147,272C) License reinstatement

CHAPTER 207

CONTINUING EDUCATION FOR OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

- 207.1(148B) Definitions
- 207.2(272C) Continuing education requirements
- 207.3(148B,272C) Standards

CHAPTER 208
PRACTICE OF OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

- 208.1(148B,272C) Code of ethics for occupational therapists and occupational therapy assistants
208.2(147) Record keeping

CHAPTER 209
DISCIPLINE FOR OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

- 209.1(148B) Definitions
209.2(272C) Grounds for discipline
209.3(147,272C) Method of discipline
209.4(272C) Discretion of board

CHAPTERS 210 to 219
Reserved

PODIATRISTS

CHAPTER 220
LICENSURE OF PODIATRISTS

- 220.1(149) Definitions
220.2(149) Requirements for licensure
220.3(149) Written examinations
220.4(149) Educational qualifications
220.5(149) Title designations
220.6(147,149) Temporary license
220.7(149) Licensure by endorsement
220.8 Reserved
220.9(149) License renewal
220.10 to 220.14 Reserved
220.15(17A,147,272C) License reactivation
220.16(17A,147,272C) License reinstatement

CHAPTER 221
Reserved

CHAPTER 222
CONTINUING EDUCATION FOR PODIATRISTS

- 222.1(149,272C) Definitions
222.2(149,272C) Continuing education requirements
222.3(149,272C) Standards

CHAPTER 223
PRACTICE OF PODIATRY

- 223.1(149) Definitions
223.2(149) Requirements for administering conscious sedation
223.3(139A) Preventing HIV and HBV transmission
223.4(149) Unlicensed graduate of a podiatric college

CHAPTER 224
DISCIPLINE FOR PODIATRISTS

- 224.1(149) Definitions
224.2(149,272C) Grounds for discipline

- 224.3(147,272C) Method of discipline
224.4(272C) Discretion of board

CHAPTERS 225 to 239

Reserved

PSYCHOLOGISTS

CHAPTER 240

LICENSURE OF PSYCHOLOGISTS

- 240.1(154B) Definitions
240.2(154B) Requirements for licensure
240.3(154B) Educational qualifications
240.4(154B) Examination requirements
240.5(154B) Title designations
240.6(154B) Supervised professional experience
240.7(154B) Certified health service provider in psychology
240.8(154B) Exemption to licensure
240.9(154B) Psychologists' supervision of unlicensed persons in a practice setting
240.10(147) Licensure by endorsement
240.11(147) Licensure by reciprocal agreement
240.12(147) License renewal
240.13 to 240.17 Reserved
240.18(17A,147,272C) License reactivation
240.19(17A,147,272C) License reinstatement

CHAPTER 241

CONTINUING EDUCATION FOR PSYCHOLOGISTS

- 241.1(272C) Definitions
241.2(272C) Continuing education requirements
241.3(154B,272C) Standards

CHAPTER 242

DISCIPLINE FOR PSYCHOLOGISTS

- 242.1(154B) Definitions
242.2(147,272C) Grounds for discipline
242.3(147,272C) Method of discipline
242.4(272C) Discretion of board

CHAPTERS 243 to 260

Reserved

RESPIRATORY CARE PRACTITIONERS

CHAPTER 261

LICENSURE OF RESPIRATORY CARE PRACTITIONERS

- 261.1(152B) Definitions
261.2(152B) Requirements for licensure
261.3(152B) Educational qualifications
261.4(152B) Examination requirements
261.5(152B) Students
261.6(152B) Licensure by endorsement
261.7 Reserved
261.8(152B) License renewal
261.9 to 261.13 Reserved

- 261.14(17A,147,272C) License reactivation
- 261.15(17A,147,272C) License reinstatement

CHAPTER 262

CONTINUING EDUCATION FOR RESPIRATORY CARE PRACTITIONERS

- 262.1(152B,272C) Definitions
- 262.2(152B,272C) Continuing education requirements
- 262.3(152B,272C) Standards
- 262.4 Reserved
- 262.5(152B,272C) Automatic exemption
- 262.6(152B,272C) Grounds for disciplinary action
- 262.7(152B,272C) Continuing education exemption for disability or illness

CHAPTER 263

DISCIPLINE FOR RESPIRATORY CARE PRACTITIONERS

- 263.1(152B) Definitions
- 263.2(152B,272C) Grounds for discipline
- 263.3(147,272C) Method of discipline
- 263.4(272C) Discretion of board

CHAPTER 264

Reserved

CHAPTER 265

PRACTICE OF RESPIRATORY CARE PRACTITIONERS

- 265.1(152B,272C) Code of ethics
- 265.2(152B,272C) Intravenous administration

CHAPTERS 266 to 279

Reserved

SOCIAL WORKERS

CHAPTER 280

LICENSURE OF SOCIAL WORKERS

- 280.1(154C) Definitions
- 280.2(154C) Social work services subject to regulation
- 280.3(154C) Requirements for licensure
- 280.4(154C) Written examination
- 280.5(154C) Educational qualifications
- 280.6(154C) Supervised professional practice for the LISW
- 280.7(154C) Licensure by endorsement
- 280.8 Reserved
- 280.9(154C) License renewal
- 280.10 to 280.13 Reserved
- 280.14(17A,147,272C) License reactivation
- 280.15(17A,147,272C) License reinstatement

CHAPTER 281

CONTINUING EDUCATION FOR SOCIAL WORKERS

- 281.1(154C) Definitions
- 281.2(154C) Continuing education requirements
- 281.3(154C,272C) Standards

CHAPTER 282
PRACTICE OF SOCIAL WORKERS

- 282.1(154C) Definitions
- 282.2(154C) Rules of conduct

CHAPTER 283
DISCIPLINE FOR SOCIAL WORKERS

- 283.1(154B) Definitions
- 283.2(272C) Grounds for discipline
- 283.3(147,272C) Method of discipline
- 283.4(272C) Discretion of board

CHAPTERS 284 to 299
Reserved

SPEECH PATHOLOGISTS AND AUDIOLOGISTS

CHAPTER 300
LICENSURE OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS

- 300.1(147) Definitions
- 300.2(147) Speech pathology and audiology services subject to regulation
- 300.3(147) Requirements for licensure
- 300.4(147) Educational qualifications
- 300.5(147) Examination requirements
- 300.6(147) Temporary clinical license
- 300.7(147) Temporary permit
- 300.8(147) Use of assistants
- 300.9(147) Licensure by endorsement
- 300.10 Reserved
- 300.11(147) License renewal
- 300.12(17A,147,272C) Board meetings
- 300.13 to 300.16 Reserved
- 300.17(17A,147,272C) License reactivation
- 300.18(17A,147,272C) License reinstatement

CHAPTERS 301 and 302
Reserved

CHAPTER 303
CONTINUING EDUCATION FOR SPEECH PATHOLOGISTS
AND AUDIOLOGISTS

- 303.1(147) Definitions
- 303.2(147) Continuing education requirements
- 303.3(147,272C) Standards

CHAPTER 304
DISCIPLINE FOR SPEECH PATHOLOGISTS AND AUDIOLOGISTS

- 304.1(147) Definitions
- 304.2(272C) Grounds for discipline
- 304.3(272C) Method of discipline
- 304.4(272C) Discretion of board

CHAPTERS 305 to 325
Reserved

*PHYSICIAN ASSISTANTS*CHAPTER 326
LICENSURE OF PHYSICIAN ASSISTANTS

326.1(148C)	Definitions
326.2(148C)	Requirements for licensure
326.3(148C)	Temporary licensure
326.4(148C)	Licensure by endorsement
326.5	Reserved
326.6(148C)	Examination requirements
326.7(148C)	Educational qualifications
326.8(148C)	Supervision requirements
326.9(148C)	License renewal
326.10 to 326.14	Reserved
326.15(148C)	Use of title
326.16(148C)	Address change
326.17(148C)	Student physician assistant
326.18(148C)	Recognition of an approved program
326.19(17A,147,272C)	License reactivation
326.20(17A,147,272C)	License reinstatement

CHAPTER 327
PRACTICE OF PHYSICIAN ASSISTANTS

327.1(148C)	Duties
327.2(148C)	Prohibition
327.3	Reserved
327.4(148C)	Remote medical site
327.5(147)	Identification as a physician assistant
327.6(147)	Prescription requirements
327.7(147)	Supplying—requirements for containers, labeling, and records

CHAPTER 328
CONTINUING EDUCATION FOR PHYSICIAN ASSISTANTS

328.1(148C)	Definitions
328.2(148C)	Continuing education requirements
328.3(148C,272C)	Standards

CHAPTER 329
DISCIPLINE FOR PHYSICIAN ASSISTANTS

329.1(148C)	Definitions
329.2(148C,272C)	Grounds for discipline
329.3(147,272C)	Method of discipline
329.4(272C)	Discretion of board

CHAPTERS 330 to 350
Reserved*ATHLETIC TRAINERS*CHAPTER 351
LICENSURE OF ATHLETIC TRAINERS

351.1(152D)	Definitions
351.2(152D)	Requirements for licensure
351.3(152D)	Educational qualifications

351.4(152D)	Examination requirements
351.5(152D)	Documentation of physician direction
351.6(152D)	Athletic training plan for direct service
351.7(152D)	Licensure by endorsement
351.8	Reserved
351.9(147)	License renewal
351.10(272C)	Exemptions for inactive practitioners
351.11 and 351.12	Reserved
351.13(272C)	Lapsed licenses
351.14	Reserved
351.15(17A,147,272C)	License reactivation
351.16(17A,147,272C)	License reinstatement

CHAPTER 352

CONTINUING EDUCATION FOR ATHLETIC TRAINERS

352.1(272C)	Definitions
352.2(152D)	Continuing education requirements
352.3(152D,272C)	Standards
352.4(152D,272C)	Audit of continuing education report
352.5 and 352.6	Reserved
352.7(152D,272C)	Continuing education waiver for active practitioners
352.8(152D,272C)	Continuing education exemption for inactive practitioners
352.9	Reserved
352.10(152D,272C)	Reinstatement of inactive practitioners
352.11(272C)	Hearings

CHAPTER 353

DISCIPLINE FOR ATHLETIC TRAINERS

353.1(152D)	Definitions
353.2(152D,272C)	Grounds for discipline
353.3(152D,272C)	Method of discipline
353.4(272C)	Discretion of board

CHAPTERS 354 to 360

Reserved

SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

CHAPTER 361

LICENSURE OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

361.1(154E)	Definitions
361.2(154E)	Requirements for licensure
361.3(154E)	Licensure by endorsement
361.4	Reserved
361.5(154E)	License renewal
361.6 to 361.8	Reserved
361.9(17A,147,272C)	License reactivation
361.10(17A,147,272C)	License reinstatement

CHAPTER 362
CONTINUING EDUCATION FOR SIGN LANGUAGE INTERPRETERS AND
TRANSLITERATORS

- 362.1(154E,272C) Definitions
- 362.2(154E,272C) Continuing education requirements
- 362.3(154E,272C) Standards

CHAPTER 363
DISCIPLINE FOR SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

- 363.1(154E) Definitions
- 363.2(154E,272C) Grounds for discipline
- 363.3(147,272C) Method of discipline
- 363.4(272C) Discretion of board

CHAPTER 44
CONTINUING EDUCATION FOR CHIROPRACTIC PHYSICIANS
[Prior to 7/24/02, see 645—Ch 43]

645—44.1(151) Definitions. For the purpose of these rules, the following definitions shall apply:

“*Active license*” means a license that is current and has not expired.

“*Approved program/activity*” means a continuing education program/activity meeting the standards set forth in these rules.

“*Audit*” means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

“*Board*” means the board of chiropractic.

“*Continuing education*” means planned, organized learning acts acquired during licensure designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

“*Hour of continuing education*” means at least 50 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“*Independent study*” means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in the rules and includes a posttest and certificate of completion.

“*License*” means license to practice.

“*Licensee*” means any person licensed to practice as a chiropractic physician in the state of Iowa.
[ARC 9109B, IAB 10/6/10, effective 11/10/10]

645—44.2(272C) Continuing education requirements.

44.2(1) The biennial continuing education compliance period shall extend for a two-year period beginning on July 1 of each even-numbered year and ending on June 30 of each even-numbered year two years later. Each biennium, each person who is licensed to practice as a licensee in this state shall be required to complete a minimum of 60 hours of continuing education approved by the board.

44.2(2) Rescinded IAB 8/3/05, effective 9/7/05.

44.2(3) Requirements of new licensees. Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses with the exception of two hours in the content areas of Iowa Administrative Code, 645—Chapters 40 through 46 and Iowa Code chapter 151. Continuing education hours acquired anytime from the initial licensing until the second license renewal with the exception of two hours in the content areas of Iowa Administrative Code, 645—Chapters 40 through 46 and Iowa Code chapter 151 may be used. The new licensee will be required to complete a minimum of 60 hours of continuing education per biennium for each subsequent license renewal.

44.2(4) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be in accordance with these rules.

44.2(5) No hours of continuing education shall be carried over into the next biennium except as stated in 44.2(3) and 44.3(2) “a”(3). A licensee whose license is reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

44.2(6) It is the responsibility of each licensee to finance the cost of continuing education.

645—44.3(151,272C) Standards.

44.3(1) General criteria. A continuing education activity which meets all of the following criteria is appropriate for continuing education credit if the continuing education activity:

a. Constitutes an organized program of learning which contributes directly to the professional competency of the licensee;

b. Pertains to subject matters which integrally relate to the practice of the profession;
c. Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program. At the time of audit, the board may request the qualifications of presenters;

d. Fulfills stated program goals, objectives, or both; and

e. Provides proof of attendance to licensees in attendance including:

(1) Date(s), location, course title, presenter(s);

(2) Number of program clock hours; and

(3) Certificate of completion or evidence of successful completion of the course provided by the course sponsor.

44.3(2) *Specific criteria.*

a. Continuing education hours of credit shall be obtained by completing:

(1) At least 36 hours of continuing education credit obtained from a program that directly relates to clinical case management of chiropractic patients. Beginning with the July 1, 2008, to June 30, 2010, renewal cycle, at least 24 of these hours shall be earned by completing a program in which an instructor conducts the class employing either a traditional in-person classroom-type presentation or live interactive Web conferencing. Beginning with the July 1, 2012, to June 30, 2014, renewal cycle, on-line instruction may qualify for “live” continuing education credit if provided by a Council on Chiropractic Education (CCE)-accredited chiropractic college in the United States, the Iowa Chiropractic Society, the American Chiropractic Association, or the International Chiropractors Association or if certified by the Providers of Approved Continuing Education (PACE) through the Federation of Chiropractic Licensing Boards (FCLB). The remaining 12 hours may be obtained by independent study, including any on-line instruction.

(2) A minimum of two hours per biennium in professional boundaries regarding ethical issues related to professional conduct that may include but are not limited to sexual harassment, sensitivity training and ethics.

(3) Starting with the 2006 renewal cycle, a minimum of 12 hours per biennium of continuing education in the field of acupuncture if the chiropractic physician is engaged in the practice of acupuncture. Continuing education hours in the field of acupuncture earned between December 31, 2003, and June 30, 2004, up to a maximum of 12 hours may be used to satisfy licensure renewal requirements for either the 2004 or 2006 renewal cycle. The licensee may use the earned continuing education credit hours only once. Credit can not be duplicated for both the 2004 and 2006 compliance periods.

(4) Classes on child abuse and dependent adult abuse that meet the criteria in subrule 44.3(1).

(5) Two hours of continuing education credit at the time of the first biennial renewal period and one hour every biennial renewal period after that in the content areas of Iowa Administrative Code, 645—Chapters 40 through 46 and Iowa Code chapter 151.

b. Continuing education hours of credit may be obtained by:

(1) Teaching at a Council on Chiropractic Education (CCE)-approved program or board of chiropractic-approved institution. A maximum of 15 hours per biennium may be obtained for each course taught.

(2) Completing electronically transmitted programs/activities or independent study programs/activities that have a certificate of completion that meets criteria in 645—44.3(151,272C).

(3) A licensee who is a presenter of a continuing education program that meets criteria in 645—44.3(151,272C) may receive credit once per biennium for the initial presentation of the program.

(4) Completing continuing education that meets criteria in 645—44.3(151,272C) or a program provided by a CCE-accredited chiropractic college in the United States, the Iowa Chiropractic Society, American Chiropractic Association or International Chiropractors Association.

(5) Completing continuing education courses/programs that are certified by the Providers of Approved Continuing Education (PACE) through the Federation of Chiropractic Licensing Boards (FCLB).

(6) Proctoring at the NBCE examination. Fifteen hours of continuing education hours per NBCE examination event may be claimed up to a maximum of 30 hours of continuing education credit per biennium. The proctoring hours may apply toward the clinical requirement.

c. Continuing education may not be obtained by completing or teaching classes in basic anatomy and physiology or undergraduate level coursework.

44.3(3) *Specific criteria for presenters.* All instructors/presenters of a continuing education activity must include, as part of the continuing education activity, verbal and written statements to the participants regarding any affiliations or employment relationships with any entity promoting, developing or marketing products, services, procedures or treatment methods.

[ARC 9109B, IAB 10/6/10, effective 11/10/10; ARC 0211C, IAB 7/25/12, effective 8/29/12]

645—44.4(151,272C) Audit of continuing education report. Rescinded IAB 8/13/08, effective 9/17/08.

645—44.5(151,272C) Automatic exemption. Rescinded IAB 8/13/08, effective 9/17/08.

645—44.6(272C) Continuing education exemption for disability or illness. Rescinded IAB 8/13/08, effective 9/17/08.

645—44.7(151,272C) Grounds for disciplinary action. Rescinded IAB 8/13/08, effective 9/17/08.

645—44.8(272C) Continuing education exemption for inactive practitioners. Rescinded IAB 8/3/05, effective 9/7/05.

645—44.9(272C) Continuing education exemption for disability or illness. Rescinded IAB 8/3/05, effective 9/7/05.

645—44.10(272C) Reinstatement of inactive practitioners. Rescinded IAB 8/3/05, effective 9/7/05.

645—44.11(272C) Hearings. Rescinded IAB 8/3/05, effective 9/7/05.

These rules are intended to implement Iowa Code section 272C.2 and chapter 151.

[Filed 12/8/00, Notice 10/18/00—published 12/27/00, effective 1/31/01¹]

[Filed 7/3/02, Notice 5/1/02—published 7/24/02, effective 8/28/02]

[Filed 11/6/03, Notice 7/23/03—published 11/26/03, effective 12/31/03]

[Filed emergency 5/14/04—published 6/9/04, effective 5/14/04]

[Filed 7/14/05, Notice 5/25/05—published 8/3/05, effective 9/7/05][◇]

[Filed 1/27/06, Notice 11/9/05—published 2/15/06, effective 3/22/06]

[Filed 4/13/06, Notice 2/15/06—published 5/10/06, effective 6/14/06]

[Filed 1/28/08, Notice 11/7/07—published 2/27/08, effective 4/2/08]

[Filed 7/17/08, Notice 5/7/08—published 8/13/08, effective 9/17/08][◇]

[Filed ARC 9109B (Notice ARC 8782B, IAB 6/2/10), IAB 10/6/10, effective 11/10/10]

[Filed ARC 0211C (Notice ARC 0010C, IAB 2/22/12), IAB 7/25/12, effective 8/29/12]

[◇] Two or more ARCs

¹ Effective date delayed 70 days by the Administrative Rules Review Committee at its meeting held January 29, 2001; delay lifted by the committee at its meeting held February 9, 2001, effective 2/10/01.

CHAPTER 206
LICENSURE OF OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

[Prior to 3/6/02, see 645—201.3(147,148B,272C) to 645—201.7(147) and 645—201.9(272C)]

645—206.1(147) Definitions. For purposes of these rules, the following definitions shall apply:

“*Active license*” means a license that is current and has not expired.

“*Board*” means the board of physical and occupational therapy.

“*Department*” means the department of public health.

“*Grace period*” means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“*Licensee*” means any person licensed to practice as an occupational therapist or occupational therapy assistant in the state of Iowa.

“*License expiration date*” means the fifteenth day of the birth month every two years after initial licensure.

“*Licensure by endorsement*” means the issuance of an Iowa license to practice occupational therapy to an applicant who is or has been licensed in another state.

“*Licensure examination*” means the examination administered by the National Board for Certification in Occupational Therapy.

“*Mandatory training*” means training on identifying and reporting child abuse or dependent adult abuse required of occupational therapists or occupational therapy assistants who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

“*NBCOT*” means the National Board for Certification in Occupational Therapy.

“*Occupational therapist*” means a person licensed under this chapter to practice occupational therapy.

“*Occupational therapy assistant*” means a person licensed under this chapter to assist in the practice of occupational therapy.

“*Occupational therapy practice*” means the therapeutic use of occupations, including everyday life activities with individuals, groups, populations, or organizations, to support participation, performance, and function in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for habilitation, rehabilitation, and the promotion of health and wellness to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory-perceptual, and other aspects of performance in a variety of contexts and environments to support engagement in occupations that affect physical and mental health, well-being, and quality of life. The practice of occupational therapy includes:

1. Evaluation of factors affecting activities of daily living (ADL), instrumental activities of daily living (IADL), rest and sleep, education, work, play, leisure, and social participation, including:

- Client factors, including body functions (such as neuromusculoskeletal, sensory-perceptual, visual, mental, cognitive, and pain factors) and body structures (such as cardiovascular, digestive, nervous, integumentary, genitourinary systems, and structures related to movement) and values, beliefs, and spirituality.

- Habits, routines, roles, rituals, and behavior patterns.

- Physical and social environments; cultural, personal, temporal and virtual contexts; and activity demands that affect performance.

- Performance skills, including motor and praxis, sensory-perceptual, emotional regulation, cognitive, communication and social skills.

2. Methods or approaches selected to direct the process of interventions, including:

- Establishment of a skill or ability that has not yet developed or remediation or restoration of a skill or ability that is impaired or is in decline.

- Compensation, modification, or adaptation of activity or environment to enhance performance or to prevent injuries, disorders, or other conditions.

- Retention and enhancement of skills or abilities without which performance in everyday life activities would decline.

- Promotion of health and wellness, including the use of self-management strategies, to enable or enhance performance in everyday life activities.

- Prevention of barriers to performance and participation, including injury and disability prevention.

3. Interventions and procedures to promote or enhance safety and performance in activities of daily living (ADL), instrumental activities of daily living (IADL), rest and sleep, education, work, play, leisure, and social participation, including:

- Therapeutic use of occupations, exercises, and activities.

- Training in self-care, self-management, health management and maintenance, home management, community/work reintegration, and school activities and work performance.

- Development, remediation, or compensation of neuromusculoskeletal, sensory-perceptual, visual, mental, and cognitive functions, pain tolerance and management, and behavioral skills.

- Therapeutic use of self, including one's personality, insights, perceptions, and judgments, as part of the therapeutic process.

- Education and training of individuals, including family members, caregivers, groups, populations, and others.

- Care coordination, case management, and transition services.

- Consultative services to groups, programs, organizations, or communities.

- Modification of environments (home, work, school, or community) and adaptation of processes, including the application of ergonomic principles.

- Assessment, design, fabrication, application, fitting, and training in seating and positioning, assistive technology, adaptive devices, and orthotic devices, and training in the use of prosthetic devices.

- Assessment, recommendation, and training in techniques to enhance functional mobility, including management of wheelchairs and other mobility devices.

- Low vision rehabilitation.

- Driver rehabilitation and community mobility.

- Management of feeding, eating, and swallowing to enable eating and feeding performance.

- Application of physical agent modalities and use of a range of specific therapeutic procedures (such as wound care management, interventions to enhance sensory-perceptual and cognitive processing, and manual therapy) to enhance performance skills.

- Facilitating the occupational performance of groups, populations, or organizations through the modification of environments and the adaptation of processes.

"Occupational therapy screening" means a brief process which is directed by an occupational therapist in order for the occupational therapist to render a decision as to whether the individual warrants further, in-depth evaluation and which includes:

1. Assessment of the medical and social history of an individual;

2. Observations related by that individual's caregivers; or

3. Observations or nonstandardized tests, or both, administered to an individual by the occupational therapist or an occupational therapy assistant under the direction of the occupational therapist.

Nothing in this definition shall be construed to prohibit licensed occupational therapists and occupational therapy assistants who work in preschools or school settings from providing short-term

interventions to children prior to an evaluation, not to exceed 16 sessions per concern per school year, in accordance with state and federal educational policy.

"On site" means:

1. To be continuously on site and present in the department or facility where the assistive personnel are performing services;
2. To be immediately available to assist the person being supervised in the services being performed; and
3. To provide continued direction of appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.

"OT" means occupational therapist.

"OTA" means occupational therapy assistant.

"Reactivate" or *"reactivation"* means the process as outlined in rule 206.18(17A,147,272C) by which an inactive license is restored to active status.

"Reciprocal license" means the issuance of an Iowa license to practice occupational therapy to an applicant who is currently licensed in another state which has a mutual agreement with the Iowa board of physical and occupational therapy to license persons who have the same or similar qualifications to those required in Iowa.

"Reinstatement" means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

[ARC 7644B, IAB 3/25/09, effective 4/29/09; ARC 0223C, IAB 7/25/12, effective 8/29/12]

645—206.2(147) Requirements for licensure. The following criteria shall apply to licensure:

206.2(1) The applicant shall complete a board-approved application packet. Application forms may be obtained from the board's Web site (<http://www.idph.state.ia.us/licensure>) or directly from the board office. All applications shall be sent to Board of Physical and Occupational Therapy, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

206.2(2) The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

206.2(3) Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Physical and Occupational Therapy. The fees are nonrefundable.

206.2(4) No application will be considered by the board until official copies of academic transcripts sent directly from the school to the board have been received by the board.

206.2(5) The applicant shall provide a notarized copy of the certificate or diploma indicating the degree awarded to the applicant, if the degree is not indicated on the official transcript.

206.2(6) The licensure examination score shall be sent directly from the examination service to the board to confirm a passing score on the examination.

206.2(7) Licensees who were issued their initial licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal date two years later.

206.2(8) Incomplete applications that have been on file in the board office for more than two years shall be:

- a. Considered invalid and shall be destroyed; or
- b. Maintained upon written request of the candidate. The candidate is responsible for requesting that the file be maintained.

645—206.3(147) Limited permit to practice pending licensure. A limited permit holder who is applying for licensure in Iowa by taking the licensure examination for the first time and has never been licensed as an occupational therapist or occupational therapy assistant in any state, the District of Columbia, or another country must have completed the educational and experience requirements for licensure as an occupational therapist or occupational therapy assistant. The limited permit holder shall:

1. Make arrangements to take the examination and have the official results of the examination sent directly from the examination service to the board;
2. Apply for licensure on forms provided by the board. The applicant must include on the application form the name of the Iowa-licensed occupational therapist(s) who will provide supervision of the limited permit holder until the limited permit holder is licensed;
3. Practice only under the supervision of an Iowa-licensed OT for a period not to exceed six months from the date the application was received in the board office;
4. Submit to the board the name of the OT providing supervision within seven days after a change in supervision occurs; and
5. If the applicant fails the national examination, the limited permit holder must cease practicing immediately.

645—206.4(147) Applicant occupational therapist and occupational therapy assistant. An applicant who has never been licensed in Iowa, but has taken the licensure examination and held licensure in another state, the District of Columbia, or another country may practice under these rules prior to licensure if the complete application for endorsement and fees are on file at the board office. The occupational therapist applicant and occupational therapy assistant applicant shall:

1. Apply for licensure on forms provided by the board. The applicant must include on the application form the name of the Iowa-licensed OT who will provide supervision of the applicant until the applicant is licensed;
2. Practice only under the supervision of an Iowa-licensed OT for a period not to exceed three months from the date the application was received in the board office;
3. Submit to the board the name of the occupational therapist(s) providing supervision within seven days after a change in supervision occurs; and
4. The applicant shall not practice as an OT applicant or OTA applicant if the applicant has never passed the licensure examination.

645—206.5(147) Practice of occupational therapy limited permit holders and endorsement applicants prior to licensure.

206.5(1) Occupational therapist limited permit holders and endorsement applicants working prior to licensure may:

- a.* Evaluate clients, plan treatment programs, and provide periodic reevaluations only under supervision of a licensed OT who shall bear full responsibility for care provided under the OT's supervision; and
- b.* Perform the duties of the occupational therapist under the supervision of an Iowa-licensed occupational therapist, except for providing supervision to an occupational therapy assistant.

206.5(2) Occupational therapy assistants, limited permit holders and endorsement applicants working prior to licensure shall:

- a.* Follow the treatment plan written by the supervising OT outlining the elements that have been delegated; and
- b.* Perform occupational therapy procedures delegated by the supervising OT as required in subrule 206.8(4).

645—206.6(147) Examination requirements. The following criteria shall apply to the written examination(s):

206.6(1) The applicant for licensure as an occupational therapist shall have received a passing score on the licensure examination for occupational therapists. It is the responsibility of the applicant to make arrangements to take the examination and have the official results submitted directly from the examination service to the board of physical and occupational therapy.

206.6(2) The applicant for licensure as an occupational therapy assistant shall have received a passing score on the licensure examination for occupational therapy assistants. It is the responsibility

of the applicant to make arrangements to take the examination and have the official results submitted directly from the examination service to the board of physical and occupational therapy.

645—206.7(147) Educational qualifications.

206.7(1) The applicant must present proof of meeting the following requirements for licensure as an occupational therapist or occupational therapy assistant:

a. Occupational therapist. The applicant for licensure as an occupational therapist shall have completed the requirements for a degree in occupational therapy in an occupational therapy program accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association. The transcript shall show completion of a supervised fieldwork experience.

b. Occupational therapy assistant. The applicant for licensure as an occupational therapy assistant shall be a graduate of an educational program approved by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association. The transcript shall show completion of a supervised fieldwork experience.

206.7(2) Foreign-trained occupational therapists and occupational therapy assistants. To become eligible to take the licensure examination, internationally educated occupational therapists must meet NBCOT eligibility requirements and undergo prescreening based on the status of their occupational therapy educational programs.

645—206.8(148B) Supervision requirements.

206.8(1) Care rendered by unlicensed assistive personnel shall not be documented or charged as occupational therapy unless direct on-site supervision is provided by an OT or in-sight supervision is provided by an OTA.

206.8(2) Occupational therapist supervisor responsibilities. The supervisor shall:

a. Provide supervision to a licensed OTA, OT limited permit holder and OTA limited permit holder.

b. Provide on-site supervision or supervision by telecommunication as long as the occupational therapy services are rendered in accordance with the provisions of subrule 206.8(5).

c. Assume responsibility for all delegated tasks and shall not delegate a service which exceeds the expertise of the OTA or OTA limited permit holder.

d. Provide evaluation and development of a treatment plan for use by the OTA.

e. Ensure that the OTA, OT limited permit holder and OTA limited permit holder under the OT's supervision have current licenses to practice.

f. Ensure that the signature of an OTA on an occupational therapy treatment record indicates that the occupational therapy services were provided in accordance with the rules and regulations for practicing as an OTA.

206.8(3) The following are functions that only an occupational therapist may provide and that shall not be delegated to an OTA:

a. Interpretation of referrals;

b. Initial occupational therapy evaluation and reevaluations;

c. Identification, determination or modification of patient problems, goals, and care plans;

d. Final discharge evaluation and establishment of the discharge plan;

e. Assurance of the qualifications of all assistive personnel to perform assigned tasks through written documentation of their education or training that is maintained and available at all times;

f. Delegation of and instruction in the services to be rendered by the OTA including, but not limited to, specific tasks or procedures, precautions, special problems, and contraindicated procedures; and

g. Timely review of documentation, reexamination of the patient and revision of the plan when indicated.

206.8(4) Supervision of unlicensed assistive personnel. OTs are responsible for patient care provided by unlicensed assistive personnel under the OT's supervision. Unlicensed assistive personnel shall not provide independent patient care unless each of the following standards is satisfied:

- a. The supervising OT shall physically participate in the patient's treatment or evaluation, or both, each treatment day;
- b. The unlicensed assistive personnel shall provide independent patient care only while under the on-site supervision of the supervising OT;
- c. Documentation made in occupational therapy records by unlicensed assistive personnel shall be cosigned by the supervising OT; and
- d. The supervising OT shall provide periodic reevaluation of the performance of unlicensed assistive personnel in relation to the patient.

206.8(5) The OT must participate in treatment including direct face-to-face patient contact every twelfth visit or 60 calendar days, whichever comes first, for all patients regardless of setting and must document each visit.

206.8(6) Occupational therapy assistant responsibilities.

a. The occupational therapy assistant:

- (1) Shall provide only those services for which the OTA has the necessary skills and shall consult the supervising occupational therapist if the procedures are believed not to be in the best interest of the patient;
- (2) Shall gather data relating to the patient's disability during screening, but shall not interpret the patient information as it pertains to the plan of care;
- (3) Shall communicate any change, or lack of change, which occurs in the patient's condition and which may need the assessment of the OT;
- (4) Shall provide occupational therapy services only under the supervision of the occupational therapist;
- (5) Shall provide treatment only after evaluation and development of a treatment plan by the occupational therapist;
- (6) Shall refer inquiries that require interpretation of patient information to the occupational therapist;
- (7) Shall have on-site or immediate telecommunicative supervision as long as the occupational therapy services are rendered in accordance with the provisions of subrule 206.8(5);
- (8) May receive supervision from any number of occupational therapists;
- (9) Shall maintain documentation of supervision on a daily basis that shall be available for review upon request of the board.

b. The signature of an OTA on the occupational therapy treatment record indicates that occupational therapy services were provided in accordance with the rules and regulations for practicing as an OTA.

206.8(7) Unlicensed assistive personnel. Unlicensed assistive personnel may assist an OTA in providing patient care in the absence of an OT only if the OTA maintains in-sight supervision of the unlicensed assistive personnel and the OTA is primarily and significantly involved in that patient's care.

206.8(8) The occupational therapy limited permit holder may evaluate clients, plan treatment programs, and provide periodic reevaluations under supervision of a licensed occupational therapist who shall bear full responsibility for care provided under the occupational therapist's supervision.

[ARC 0223C, IAB 7/25/12, effective 8/29/12]

645—206.9(147) Licensure by endorsement. An applicant who has been a licensed occupational therapist or occupational therapy assistant under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia, another state, territory, province or foreign country who:

1. Submits to the board a completed application;
2. Pays the licensure fee;

3. Shows evidence of licensure requirements in the jurisdiction in which the applicant has been licensed that are similar to those required in Iowa;
4. Submits official results from the appropriate professional examination sent directly from the examination service to the board;
5. Provides official copies of the academic transcripts sent directly from the school to the board;
6. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if it provides:
 - Licensee's name;
 - Date of initial licensure;
 - Current licensure status; and
 - Any disciplinary action taken against the license; and
7. Shows evidence of one of the following:
 - Completion of 30 hours for an occupational therapist and 15 hours for an occupational therapy assistant of board-approved continuing education during the immediately preceding two-year period;
 - The practice of occupational therapy for a minimum of 2,080 hours during the immediately preceding two-year period as a licensed occupational therapist or occupational therapy assistant;
 - Serving as a full-time equivalent faculty member teaching occupational therapy in an accredited school of occupational therapy for at least one of the immediately preceding two years; or
 - Successfully passing the examination within a period of one year from the date of examination to the time application is completed for licensure.

Individuals who were issued their licenses by endorsement within six months of the license renewal date will not be required to renew their licenses until the next renewal two years later.

[ARC 0223C, IAB 7/25/12, effective 8/29/12]

645—206.10(147) License renewal.

206.10(1) The biennial license renewal period for a license to practice as an occupational therapist or occupational therapy assistant shall begin on the sixteenth day of the birth month and end on the fifteenth day of the birth month two years later. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

206.10(2) An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

206.10(3) A licensee seeking renewal shall:

a. Meet the continuing education requirements of rule 645—207.2(272C) and the mandatory reporting requirements of subrule 206.12(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation; and

b. Submit the completed renewal application and renewal fee before the license expiration date.

206.10(4) Mandatory reporter training requirements.

a. A licensee who in the scope of professional practice regularly examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph “e.”

b. A licensee who in the scope of professional practice regularly examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph “e.”

c. A licensee who in the scope of professional practice regularly examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph “e.”

Training may be completed through separate courses as identified in paragraphs “a” and “b” or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.

d. The licensee shall maintain written documentation for five years after mandatory training as identified in paragraphs “a” to “c,” including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 4.

f. The board may select licensees for audit of compliance with the requirements in paragraphs “a” to “e.”

206.10(5) Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

206.10(6) Persons licensed to practice as occupational therapists or occupational therapy assistants shall keep their renewal licenses displayed in a conspicuous public place at the primary site of practice.

206.10(7) Late renewal. The license shall become a late license when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.11(4). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

206.10(8) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as an occupational therapist or occupational therapy assistant in Iowa until the license is reactivated. A licensee who practices as an occupational therapist or occupational therapy assistant in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

[ARC 0223C, IAB 7/25/12, effective 8/29/12]

645—206.11(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

206.11(1) Submit a reactivation application on a form provided by the board.

206.11(2) Pay the reactivation fee that is due as specified in 645—subrule 5.11(5).

206.11(3) Provide verification of current competence to practice occupational therapy by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:

1. Licensee’s name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 15 hours of continuing education for an occupational therapy assistant and 30 hours of continuing education for an occupational therapist within two years of application for reactivation.

b. If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 30 hours of continuing education for an occupational therapy assistant and 60 hours of continuing education for an occupational therapist within two years of application for reactivation; or evidence of successful completion of the professional examination required for initial licensure completed within one year prior to the submission of an application for reactivation.

[ARC 0223C, IAB 7/25/12, effective 8/29/12]

645—206.12(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 206.18(17A,147,272C) prior to practicing occupational therapy in this state.

[ARC 0223C, IAB 7/25/12, effective 8/29/12]

645—206.13(272C) Exemptions for inactive practitioners. Rescinded IAB 9/14/05, effective 10/19/05.

645—206.14(272C) Lapsed licenses. Rescinded IAB 9/14/05, effective 10/19/05.

645—206.15(147) Duplicate certificate or wallet card. Rescinded IAB 12/17/08, effective 1/21/09.

645—206.16(147) Reissued certificate or wallet card. Rescinded IAB 12/17/08, effective 1/21/09.

645—206.17(17A,147,272C) License denial. Rescinded IAB 12/17/08, effective 1/21/09.

These rules are intended to implement Iowa Code chapters 17A, 147, 148B and 272C.

[Filed 2/14/02, Notice 10/3/01—published 3/6/02, effective 4/10/02]

[Filed 11/26/03, Notice 9/17/03—published 12/24/03, effective 1/28/04]

[Filed 8/22/05, Notice 6/22/05—published 9/14/05, effective 10/19/05][◇]

[Filed 5/19/06, Notice 3/29/06—published 6/21/06, effective 7/26/06]

[Filed 11/30/07, Notice 9/26/07—published 12/19/07, effective 1/23/08]

[Filed 5/28/08, Notice 3/26/08—published 6/18/08, effective 7/23/08]

[Filed 11/26/08, Notice 9/24/08—published 12/17/08, effective 1/21/09]

[Filed ARC 7644B (Notice ARC 7442B, IAB 12/17/08), IAB 3/25/09, effective 4/29/09]

[Filed ARC 0223C (Notice ARC 0134C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

[◇] Two or more ARCs

CHAPTER 209
DISCIPLINE FOR OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

[Prior to 3/6/02, see 645—201.10(272C)]

[Prior to 12/24/03, see 645—Ch 208]

645—209.1(148B) Definitions.

“*Board*” means the board of physical and occupational therapy.

“*Discipline*” means any sanction the board may impose upon licensees.

“*Licensee*” means a person licensed to practice as an occupational therapist or an occupational therapy assistant in Iowa.

645—209.2(272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 645—209.3(147,272C) when the board determines that the licensee is guilty of any of the following acts or offenses:

209.2(1) Fraud in procuring a license. Fraud in procuring a license includes, but is not limited to, an intentional perversion of the truth in making application for a license to practice in this state, which includes the following:

a. False representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state; or

b. Attempting to file or filing with the board or the department of public health any false or forged diploma or certificate or affidavit or identification or qualification in making an application for a license in this state.

209.2(2) Professional incompetency. Professional incompetency includes, but is not limited to:

a. A substantial lack of knowledge or ability to discharge professional obligations within the scope of practice.

b. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other occupational therapists or occupational therapy assistants in the state of Iowa acting in the same or similar circumstances.

c. A failure to exercise the degree of care which is ordinarily exercised by the average occupational therapist or occupational therapy assistant acting in the same or similar circumstances.

d. Failure to conform to the minimal standard of acceptable and prevailing practice of the licensed occupational therapist or licensed occupational therapy assistant in this state.

e. Mental or physical inability reasonably related to and adversely affecting the licensee’s ability to practice in a safe and competent manner.

f. Being adjudged mentally incompetent by a court of competent jurisdiction.

209.2(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of occupational therapy or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

209.2(4) Practice outside the scope of the profession.

209.2(5) Use of untruthful or improbable statements in advertisements. Use of untruthful or improbable statements in advertisements includes, but is not limited to, an action by a licensee in making information or intention known to the public which is false, deceptive, misleading or promoted through fraud or misrepresentation.

209.2(6) Habitual intoxication or addiction to the use of drugs.

a. The inability of a licensee to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

b. The excessive use of drugs which may impair a licensee’s ability to practice with reasonable skill or safety.

209.2(7) Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.

209.2(8) Falsification of patient records.

209.2(9) Acceptance of any fee by fraud or misrepresentation.

209.2(10) Negligence by the licensee in the practice of the profession. Negligence by the licensee in the practice of the profession includes a failure to exercise due care, including negligent delegation of duties or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

209.2(11) Conviction of a crime related to the profession or occupation of the licensee or the conviction of any crime that would affect the licensee's ability to practice within the profession, regardless of whether the judgment of conviction or sentence was deferred. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

209.2(12) Violation of a regulation, rule or law of this state, another state, or the United States which relates to the practice of occupational therapy, including, but not limited to, the code of ethics found in rule 645—208.1(148B,272C).

209.2(13) Revocation, suspension, or other disciplinary action taken by a licensing authority of this state, another state, territory, or country; or failure of the licensee to report in writing such action within 30 days of the final action by the licensing authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board.

209.2(14) Failure of a licensee or an applicant for licensure in this state to report any voluntary agreements restricting the individual's practice of occupational therapy in another state, district, territory or country.

209.2(15) Failure to notify the board of a criminal conviction within 30 days of the action, regardless of the jurisdiction where it occurred.

209.2(16) Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

209.2(17) Engaging in any conduct that subverts or attempts to subvert a board investigation.

209.2(18) Failure to comply with a subpoena issued by the board, or failure to cooperate with an investigation of the board.

209.2(19) Failure to respond within 30 days of receipt of communication from the board which was sent by registered or certified mail.

209.2(20) Failure to comply with the terms of a board order or the terms of a settlement agreement or consent order.

209.2(21) Failure to pay costs assessed in any disciplinary action.

209.2(22) Submission of a false report of continuing education or failure to submit the required report of continuing education.

209.2(23) Failure to report another licensee to the board for any violations listed in these rules, pursuant to Iowa Code section 272C.9.

209.2(24) Knowingly aiding, assisting or advising a person to unlawfully practice occupational therapy.

209.2(25) Failure to report a change of name or address within 30 days after it occurs.

209.2(26) Representing oneself as a licensed occupational therapist or occupational therapy assistant when one's license has been suspended or revoked, or when the license is on inactive status.

209.2(27) Permitting another person to use the licensee's license for any purpose.

209.2(28) Permitting an unlicensed employee or person under the licensee's control to perform activities that require a license.

209.2(29) Unethical conduct. In accordance with Iowa Code section 147.55(3), behavior (i.e., acts, knowledge, and practices) which constitutes unethical conduct may include, but need not be limited to, the following:

- a. Verbally or physically abusing a patient, client or coworker.
- b. Improper sexual contact with, or making suggestive, lewd, lascivious or improper remarks or advances to a patient, client or coworker.
- c. Betrayal of a professional confidence.
- d. Engaging in a professional conflict of interest.

209.2(30) Repeated failure to comply with standard precautions for preventing transmission of infectious diseases as issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

209.2(31) Violation of the terms of an initial agreement with the impaired practitioner review committee or violation of the terms of an impaired practitioner recovery contract with the impaired practitioner review committee.

[ARC 9328B, IAB 1/12/11, effective 2/16/11; ARC 0223C, IAB 7/25/12, effective 8/29/12]

645—209.3(147,272C) Method of discipline. The board has the authority to impose the following disciplinary sanctions:

1. Revocation of license.
2. Suspension of license until further order of the board or for a specific period.
3. Prohibit permanently, until further order of the board, or for a specific period the licensee's engaging in specified procedures, methods, or acts.
4. Probation.
5. Require additional education or training.
6. Require a reexamination.
7. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.
8. Impose civil penalties not to exceed \$1000.
9. Issue a citation and warning.
10. Such other sanctions allowed by law as may be appropriate.

645—209.4(272C) Discretion of board. The following factors may be considered by the board in determining the nature and severity of the disciplinary sanction to be imposed:

1. The relative serious nature of the violation as it relates to ensuring a high standard of professional care for the citizens of this state;
2. The facts of the particular violation;
3. Any extenuating facts or other countervailing considerations;
4. The number of prior violations or complaints;
5. The seriousness of prior violations or complaints;
6. Whether remedial action has been taken; and
7. Such other factors as may reflect upon the competency, ethical standards, and professional conduct of the licensee.

645—209.5(148B) Order for mental, physical, or clinical competency examination or alcohol or drug screening. Rescinded IAB 12/17/08, effective 1/21/09.

These rules are intended to implement Iowa Code chapters 147, 148B and 272C.

[Filed 2/14/02, Notice 10/3/01—published 3/6/02, effective 4/10/02]

[Filed 11/26/03, Notice 9/17/03—published 12/24/03, effective 1/28/04]

[Filed 8/22/05, Notice 6/22/05—published 9/14/05, effective 10/19/05]

[Filed 11/19/05, Notice 9/14/05—published 12/21/05, effective 1/25/06]

[Filed 2/17/06, Notice 12/21/05—published 3/15/06, effective 4/19/06]

[Filed 11/30/07, Notice 9/26/07—published 12/19/07, effective 1/23/08]

[Filed 11/26/08, Notice 9/24/08—published 12/17/08, effective 1/21/09]

[Filed ARC 9328B (Notice ARC 9156B, IAB 10/20/10), IAB 1/12/11, effective 2/16/11]

[Filed ARC 0223C (Notice ARC 0134C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

CHAPTER 9
PERMANENT PHYSICIAN LICENSURE
[Prior to 5/30/01, see 653—Chapter 11]

653—9.1(147,148) Definitions.

“ABMS” means the American Board of Medical Specialties, which is an umbrella organization for at least 24 medical specialty boards in the United States that assists the specialty boards in developing and implementing educational and professional standards to evaluate and certify physician specialists in the United States. The board recognizes specialty board certification by ABMS.

“ACGME” means the Accreditation Council for Graduate Medical Education, an accreditation body that is responsible for accreditation of post-medical school training programs in medicine and surgery in the United States of America. The board approves resident training programs accredited by ACGME.

“AMA” means the American Medical Association, a professional organization of physicians and surgeons.

“Any jurisdiction” means any state, the District of Columbia or territory of the United States of America or any other nation.

“Any United States jurisdiction” means any state, the District of Columbia or territory of the United States of America.

“AOA” means the American Osteopathic Association, which is the representative organization for osteopathic physicians (D.O.s) in the United States. The board approves osteopathic medical education programs with AOA accreditation; the board approves AOA-accredited resident training programs in osteopathic medicine and surgery at hospitals for graduates of accredited osteopathic medical schools. The board recognizes specialty board certification by AOA. The board recognizes continuing medical education accredited by the Council on Continuing Medical Education of AOA.

“Applicant” means a person who seeks authorization to practice medicine and surgery or osteopathic medicine and surgery in this state by making application to the board.

“Approved abuse education training program” means a training program using a curriculum approved by the abuse education review panel of the department of public health or a training program offered by a hospital, a professional organization for physicians, or the department of human services, the department of education, an area education agency, a school district, the Iowa law enforcement academy, an Iowa college or university, or a similar state agency.

“Board” means Iowa board of medicine.

“Board-approved resident training program” means a hospital-affiliated graduate medical education program accredited by ACGME, AOA, RCPSC, or CFPC at the time the applicant is enrolled in the program.

“Candidate” means a person who applies to sit for an examination administered by the board or its designated testing service.

“Category 1 credit” means any formal education program which is sponsored or jointly sponsored by an organization accredited for continuing medical education by the Accreditation Council for Continuing Medical Education, the Iowa Medical Society, or the Council on Continuing Medical Education of AOA that is of sufficient scope and depth of coverage of a subject area or theme to form an educational unit and is planned, administered and evaluated in terms of educational objectives that define a level of knowledge or a specific performance skill to be attained by the physician completing the program. Credits designated as formal cognates by the American College of Obstetricians and Gynecologists or as prescribed credits by the American Academy of Family Physicians are accepted as equivalent to category 1 credits.

“CFPC” means the College of Family Physicians of Canada, an organization that accredits graduate medical education in family practice in Canada.

“COMLEX” means the Comprehensive Osteopathic Medical Licensing Examination that is recognized by the board as the licensure examination that replaced the NBOME examination for graduates of osteopathic medical schools or colleges.

“Committee” means the licensure committee of the board.

“*COMVEX-USA*” means the Comprehensive Osteopathic Medical Variable-Purpose Examination for the United States of America. The National Board of Osteopathic Medical Examiners prepares the examination and determines its passing score. A licensing authority in any jurisdiction administers the examination. COMVEX-USA is the current evaluative instrument offered to osteopathic physicians who need to demonstrate current osteopathic medical knowledge.

“*Core credentials*” means those documents that demonstrate the applicant’s identity, medical training and practice history. “Core credentials” includes but is not limited to: medical school diploma, medical school transcript, dean’s letter, examination history, ECFMG certificate, fifth pathway certificate, and postgraduate training verification.

“*Current, active status*” means a license that is in effect and grants the privilege of practicing medicine and surgery or osteopathic medicine and surgery, as applicable.

“*ECFMG*” means the Educational Commission for Foreign Medical Graduates, an organization that assesses the readiness of foreign medical school graduates to enter ACGME-approved residency programs in the United States of America.

“*Expedited endorsement*” means the process whereby the state issues an unrestricted license to practice medicine to an applicant who holds a valid unrestricted and unlimited license in another jurisdiction through the acceptance of the applicant’s core credentials that have been subject to primary source verification by another jurisdiction’s physician licensing board or other authority using a process substantially similar to Iowa’s process for verifying the authenticity of the applicant’s core credentials.

“*FCVS*” means the Federation Credentials Verification Service, a service under the Federation of State Medical Boards that verifies and stores core credentials for retrieval whenever needed.

“*FLEX*” means the Federation Licensing Examination, a licensure examination used in the past that was approved by the board for graduates with a medical degree.

“*Foreign medical school*,” also known as an “international medical school,” means a medical school that is located outside of any United States jurisdiction.

“*FSMB*” means the Federation of State Medical Boards, the organization of medical boards of the United States of America.

“*Inactive license*” means any license that is not in current, active status. Inactive license may include licenses formerly known as delinquent, lapsed, or retired. A physician whose license is inactive continues to hold the privilege of licensure in Iowa but may not practice medicine under an Iowa license until the license is reinstated to current, active status.

“*Incidentally called into this state in consultation with a physician and surgeon licensed in this state*” as set forth in Iowa Code section 148.2(5) means all of the following shall be true:

1. The consulting physician shall be involved in the care of patients in Iowa only at the request of an Iowa-licensed physician.
2. The consulting physician has a license in good standing in another United States jurisdiction.
3. The consulting physician provides expertise and acts in an advisory capacity to an Iowa-licensed physician. The consulting physician may examine the patient and advise an Iowa-licensed physician as to the care that should be provided, but the consulting physician may not personally perform procedures, write orders, or prescribe for the patient.
4. The consulting physician practices in Iowa for a period not greater than 10 consecutive days and not more than 20 total days in any calendar year. Any portion of a day counts as one day.
5. The Iowa-licensed physician requesting the consultation retains the primary responsibility for the management of the patient’s care.

“*Initial license*” means the first permanent license granted to a qualified individual.

“*International medical school*,” also known as a “foreign medical school,” means a medical school that is located outside of any United States jurisdiction.

“*LCME*” means Liaison Committee on Medical Education, an organization that accredits educational institutions granting degrees in medicine and surgery. The board approves programs that are accredited by LCME.

“*LMCC*” means enrollment in the Canadian Medical Register as Licentiate of Medical Council of Canada with a certificate of registration as proof. LMCC requires passing the Medical Council of Canada Examination.

“*Medical degree*” means a degree of doctor of medicine and surgery or osteopathic medicine and surgery or comparable education from a foreign medical school.

“*National Practitioner Data Bank*” is a national data bank of disciplinary actions taken against health professionals, including physicians.

“*NBME*” means the National Board of Medical Examiners, an organization that prepares and administers qualifying examinations, either independently or jointly with other organizations.

“*NBOME*” means the National Board of Osteopathic Medical Examiners, an organization that prepares and administers qualifying examinations for osteopathic physicians.

“*Observer*” means a person who is not enrolled in an Iowa medical school or osteopathic medical school, who observes care to patients in Iowa for a defined period of time and for a noncredit experience, and who is supervised and accompanied by an Iowa-licensed physician as defined in 9.2(3). An observer shall not provide or direct hands-on patient care, regardless of the observer’s level of training or supervision. The supervising physician may authorize an observer to read a chart, observe a patient interview or examination, or witness procedures, including surgery. An observer shall not chart; touch a patient as part of an examination; conduct an interview; order, prescribe or administer medications; make decisions that affect patient care; direct others in providing patient care; or conduct procedures, including surgery. Any of these activities requires licensure to practice in Iowa. An unlicensed physician observer or a medical student observer may touch a patient to verify a physical finding in the immediate presence of a physician but shall not conduct a more inclusive physical examination.

An unlicensed physician observer may:

1. Participate in discussions regarding the care of individual patients, including offering suggestions about diagnosis or treatment, provided the unlicensed physician observer does not direct the care; and
2. Elicit information from a patient provided the unlicensed physician observer does not actually perform a physical examination or otherwise touch the patient.

“*Permanent licensure*” means licensure granted after review of the application and credentials to determine that the individual is qualified to enter into practice. The individual may only practice when the license is in current, active status.

“*Practice*” means the practice of medicine and surgery or osteopathic medicine and surgery.

“*Primary source verification*” means:

1. Verification of the authenticity of documents with the original source that issued the document.
2. Original source verification by another jurisdiction’s physician licensing organization.
3. Original source verification by the FSMB’s Federation Credentials Verification Service.

“*RCPSC*” means the Royal College of Physicians and Surgeons of Canada, an organization that accredits graduate medical education in Canada.

“*Reinstatement*” means the process for returning an inactive license to current, active status.

“*Resident physician*” means a physician enrolled in an internship, residency or fellowship.

“*Resident training program*” means a hospital-affiliated graduate medical education program that enrolls interns, residents or fellows and may be referred to as a postgraduate training program for purposes of licensure.

“*Service charge*” means the amount charged for making a service available on line and is in addition to the actual fee for a service itself. For example, one who renews a license on line will pay the license renewal fee and a service charge.

“*SPEX*” means Special Licensure Examination prepared by the Federation of State Medical Boards and administered by a licensing authority in any jurisdiction. The passing score on SPEX is 75.

“*Training for chronic pain management*” means required training on chronic pain management identified in 653—Chapter 11.

“*Training for end-of-life care*” means required training on end-of-life care identified in 653—Chapter 11.

“Training for identifying and reporting abuse” means training on identifying and reporting child abuse or dependent adult abuse required of physicians who regularly provide primary health care to children or adults, respectively, as specified in 653—Chapter 11. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69; the full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

“Uniform application for physician state licensure” means a Web-based application that is intended to standardize and simplify the licensure application process for state medical licensure. The Federation of State Medical Boards created and maintains the application. This application is used for all license types issued by the Iowa board of medicine.

“USMLE” means the United States Medical Licensing Examination.
[ARC 8554B, IAB 3/10/10, effective 4/14/10; ARC 0215C, IAB 7/25/12, effective 8/29/12]

653—9.2(147,148) General licensure provisions.

9.2(1) Licensure required. Licensure is required for practice in Iowa as identified in Iowa Code section 148.1; the exceptions are identified in subrule 9.2(2). Provisions for permanent physician licensure are found in this chapter; provisions for resident, special and temporary physician licensure are found in 653—Chapter 10.

9.2(2) Licensure not required. The following persons are not required to obtain a license to practice in Iowa:

- a. Those persons described in Iowa Code sections 148.2(1) to 148.2(5).
 - (1) A medical student or osteopathic medical student in an international medical school may not take on the role of a medical student in the patient care setting unless the student is enrolled in the University of Iowa’s Carver College of Medicine or in Des Moines University’s College of Osteopathic Medicine; however, an international medical student not enrolled at either of these institutions may be an observer as defined in rule 653—9.1(147,148).
 - (2) A graduate of an international medical school shall not practice medicine without an Iowa medical license; however, the graduate may be an observer as defined in rule 9.1(147,148).
- b. Those persons who are incidentally called into this state in consultation with a physician or surgeon licensed in this state as described in Iowa Code section 148.2(5) and as defined in rule 653—9.1(147,148).
- c. Physicians and surgeons who hold a current, active license in good standing in another United States jurisdiction and who come into Iowa on a temporary basis to aid disaster victims at the time of a disaster in accordance with Iowa Code section 29C.6.
- d. Physicians and surgeons who hold a current, active license in good standing in another United States jurisdiction and who come to Iowa to participate in further medical education may participate in patient care under the request and supervision of the patient’s Iowa-licensed physician in charge of the education. The Iowa-licensed physician shall retain the primary responsibility for management of the patient’s care.
- e. Physicians and surgeons who hold a current, active license in good standing in another United States jurisdiction and who come into Iowa to serve as expert witnesses as long as they do not provide treatment.
- f. Physicians and surgeons from out of state who hold a current, active license in good standing in another United States jurisdiction and who accompany one or more individuals into Iowa for the purpose of providing medical care to these individuals on a short-term basis, e.g., a team physician for an out-of-state college football team that comes into Iowa for a game.
- g. Physicians and surgeons who come to Iowa to observe patient care and who do not provide or direct hands-on patient care.
- h. Visiting resident physicians who come to Iowa to practice as part of their resident training program if under the supervision of an Iowa-licensed physician. An Iowa physician license is not required of a physician in training if the physician has a resident or permanent license in good standing in the home state of the resident training program. An Iowa temporary license is required of a physician

in training if the physician does not hold a resident or permanent physician license in good standing in the home state of the resident training program (see rule 653—10.5(147,148)).

9.2(3) *Supervision of an observer.* An Iowa-licensed physician who supervises an observer shall accompany the observer and solicit consent from each patient, where feasible, for the observation. The physician shall inform the patient of the observer's background, e.g., high school student considering a medical career, a medical graduate who is working on licensure. The supervising physician shall ensure that the observer remains within the scope of an observer as defined in rule 653—9.1(147,148).
[ARC 0215C, IAB 7/25/12, effective 8/29/12]

653—9.3(147,148) Eligibility for permanent licensure.

9.3(1) Requirements. To be eligible for permanent licensure, an applicant shall meet all of the following requirements:

a. Fulfill the application requirements specified in rule 653—9.4(147,148), 653—9.5(147,148) or 653—9.6(147,148).

b. Hold a medical degree from an educational institution approved by the board at the time the applicant graduated and was awarded the degree.

(1) Educational institutions approved by the board shall be fully accredited by an accrediting agency recognized by the board as schools of instruction in medicine and surgery or osteopathic medicine and surgery and empowered to grant academic degrees in medicine.

(2) The accrediting bodies currently recognized by the board are:

1. LCME for the educational institutions granting degrees in medicine and surgery; and

2. AOA for educational institutions granting degrees in osteopathic medicine and surgery.

(3) If the applicant holds a medical degree from an educational institution not approved by the board at the time the applicant graduated and was awarded the degree, the applicant shall meet one of the following requirements:

1. Hold a valid certificate issued by ECFMG;

2. Have successfully completed a fifth pathway program established in accordance with AMA criteria;

3. Have successfully passed either a basic science examination administered by a United States or Canadian medical licensing authority or SPEX; and have successfully completed three years of resident training in a program approved by the board; and have submitted evidence of five years of active practice without restriction as a licensee of any United States or Canadian jurisdiction; or

4. Have successfully passed either a basic science examination administered by a United States or Canadian medical licensing authority or SPEX; and hold board certification by a specialty board approved by ABMS or AOA; and submit evidence of five years of active practice without restriction as a licensee of any United States or Canadian jurisdiction.

c. Have successfully completed one year of resident training in a hospital-affiliated program approved by the board at the time the applicant was enrolled in the program. An applicant who is a graduate of an international medical school shall have successfully completed 24 months of such training.

(1) For those required to have 12 months of training, the program shall have been 12 months of progressive training in not more than two specialties and in not more than two programs approved for resident training by the board. For those required to have 24 months of training, the program shall have been 24 continuous months of progressive training in not more than two specialties and in not more than two programs approved for resident training by the board.

(2) Resident training approved by the board shall be accredited by an accrediting agency recognized by the board for the purpose of accrediting resident training programs.

(3) The board approves resident training programs accredited by:

1. ACGME;

2. AOA;

3. RCPSC; and

4. CFPC.

(4) The board shall accept each 12 months of practice as a special licensee as equivalent to one year of resident training in a hospital-affiliated program approved by the board.

d. Pass one of the licensure examinations or combinations as prescribed in rule 653—9.7(147,148).

9.3(2) Reserved.

[ARC 8554B, IAB 3/10/10, effective 4/14/10; ARC 0215C, IAB 7/25/12, effective 8/29/12]

653—9.4(147,148) Licensure by examination.

9.4(1) Applicant eligibility. An applicant who has never been licensed in any United States or Canadian jurisdiction shall meet the following requirements to be eligible for permanent licensure by examination.

9.4(2) Requirements. To apply for permanent licensure, an applicant shall:

a. Pay a nonrefundable initial application fee of \$450 plus the fee identified in 653—subrule 8.4(7) for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI); and

b. Complete and submit forms provided by the board, including required credentials, documents, a completed fingerprint packet, and a sworn statement by the applicant attesting to the truth of all information provided by the applicant.

c. Pass the USMLE, COMLEX, or Medical Council of Canada Examination as prescribed in rule 653—9.7(147,148) and authorize the testing authority to verify scores.

9.4(3) Application. The application shall require the following information:

a. Full legal name, date and place of birth, home address, mailing address and principal business address.

b. A photograph of the applicant suitable for positive identification.

c. A statement listing every jurisdiction in which the applicant is or has been authorized to practice, including license numbers and dates of issuance.

d. A chronology accounting for all time periods from the date the applicant entered medical school to the date of the application.

e. A certified statement of scores on any licensure examination required in rule 653—9.7(147,148) that the applicant has taken in any jurisdiction. An official FCVS Physician Information Profile that supplies this information for the applicant is a suitable alternative.

f. A photocopy of the applicant's medical degree issued by an educational institution.

(1) A complete translation of any diploma not written in English shall be submitted. An official transcript, written in English and received directly from the school, showing graduation from medical school is a suitable alternative.

(2) An official FCVS Physician Information Profile that supplies this information for the applicant is a suitable alternative.

(3) If a copy of the medical degree cannot be provided because of extraordinary circumstances, the board may accept other reliable evidence that the applicant obtained a medical degree from a specific educational institution.

g. A sworn statement from an official of the educational institution certifying the date the applicant received the medical degree and acknowledging what, if any, derogatory comments exist in the institution's record about the applicant. If a sworn statement from an official of the educational institution cannot be provided because of extraordinary circumstances, the board may accept other reliable evidence that the applicant obtained a medical degree from a specific educational institution.

h. An official transcript, or its equivalent, received directly from the school for every medical school attended if requested by the board. A complete translation of any transcript not written in English shall be submitted if requested by the board. An official FCVS Physician Information Profile that supplies this information for the applicant is a suitable alternative.

i. If the educational institution awarding the applicant the degree has not been approved by the board, the applicant shall provide a valid ECFMG certificate or evidence of successful completion of

a fifth pathway program in accordance with criteria established by AMA. An official FCVS Physician Information Profile that supplies this information for the applicant is a suitable alternative.

j. Documentation of successful completion of resident training approved by the board as specified in paragraph 9.3(1)“c.” An official FCVS Physician Information Profile that supplies this information for the applicant is a suitable alternative.

k. Verification of an applicant’s hospital and clinical staff privileges and other professional experience for the past five years if requested by the board.

l. A statement disclosing and explaining any informal or nonpublic actions, warnings issued, investigations conducted, or disciplinary actions taken, whether by voluntary agreement or formal action, by a medical or professional regulatory authority, an educational institution, a training or research program, or a health facility in any jurisdiction.

m. A statement of the applicant’s physical and mental health, including full disclosure and a written explanation of any dysfunction or impairment which may affect the ability of the applicant to engage in practice and provide patients with safe and healthful care.

n. A statement disclosing and explaining the applicant’s involvement in civil litigation related to practice in any jurisdiction. Copies of the legal documents may be requested if needed during the review process.

o. A statement disclosing and explaining any charge of a misdemeanor or felony involving the applicant filed in any jurisdiction, whether or not any appeal or other proceeding to have the conviction or plea set aside is pending.

p. A completed fingerprint packet to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed to the applicant.

[ARC 8554B, IAB 3/10/10, effective 4/14/10; ARC 0215C, IAB 7/25/12, effective 8/29/12]

653—9.5(147,148) Licensure by endorsement.

9.5(1) Applicant eligibility. An applicant who has been licensed in any United States jurisdiction or Canada shall meet one of the following requirements to be eligible for permanent licensure by endorsement.

a. Applicants who have been licensed for at least five years may meet expedited endorsement requirements set forth in rule 653—9.6(147,148).

b. An M.D. applicant who has been licensed in any United States jurisdiction or Canada shall meet the licensure examination requirements in effect in Iowa at the time of original licensure if the examination precedes USMLE. An M.D. applicant who has been licensed in any United States jurisdiction or Canada based on USMLE shall meet the requirements in rule 653—9.7(147,148). The applicant shall authorize the appropriate testing authority to verify scores obtained on the examination as specified in this rule.

c. A D.O. applicant who has been licensed in any United States jurisdiction shall meet the licensure examination requirements in effect in Iowa at the time of original licensure if the examination precedes USMLE or COMLEX, whichever is applicable. A D.O. applicant who has been licensed in any United States jurisdiction based on USMLE or COMLEX shall meet the requirements in rule 653—9.7(147,148). The applicant shall authorize the appropriate testing authority to verify scores obtained on the examination as specified in this rule.

9.5(2) Requirements. To apply for permanent licensure, an applicant shall:

a. Pay a nonrefundable initial application fee of \$450 plus the fee identified in 653—subrule 8.4(7) for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI); and

b. Complete and submit forms provided by the board, including required credentials, documents, a completed fingerprint packet, and a sworn statement by the applicant attesting to the truth of all information provided by the applicant.

9.5(3) Application. The application shall require the following information:

- a.* Full legal name, date and place of birth, home address, mailing address and principal business address.
- b.* A photograph of the applicant suitable for positive identification.
- c.* A statement listing every jurisdiction in which the applicant is or has been authorized to practice, including license numbers and dates of issuance.
- d.* A chronology accounting for all time periods from the date the applicant entered medical school to the date of the application.
- e.* A certified statement of scores on any examination required in rule 653—9.7(147,148) that the applicant has taken in any jurisdiction. An official FCVS Physician Information Profile that supplies this information for the applicant is a suitable alternative.
- f.* A photocopy of the applicant's medical degree issued by an educational institution.
 - (1) A complete translation of any diploma not written in English shall be submitted. An official transcript, written in English and received directly from the school, showing graduation from medical school is a suitable alternative.
 - (2) An official FCVS Physician Information Profile that supplies this information for the applicant is a suitable alternative.
 - (3) If a copy of the medical degree cannot be provided because of extraordinary circumstances, the board may accept other reliable evidence that the applicant obtained a medical degree from a specific educational institution.
- g.* A sworn statement from an official of the educational institution certifying the date the applicant received the medical degree and acknowledging what, if any, derogatory comments exist in the institution's record about the applicant. If a sworn statement from an official of the educational institution cannot be provided because of extraordinary circumstances, the board may accept other reliable evidence that the applicant obtained a medical degree from a specific educational institution.
- h.* An official transcript, or its equivalent, received directly from the school for every medical school attended if requested by the board. A complete translation of any transcript not written in English shall be submitted if requested by the board. An official FCVS Physician Information Profile that supplies this information for the applicant is a suitable alternative.
- i.* If the educational institution awarding the applicant the degree has not been approved by the board, the applicant shall provide a valid ECFMG certificate or evidence of successful completion of a fifth pathway program in accordance with criteria established by AMA. An official FCVS Physician Information Profile that supplies this information for the applicant is a suitable alternative.
- j.* Documentation of successful completion of resident training approved by the board as specified in paragraph 9.3(1)"c." An official FCVS Physician Information Profile that supplies this information for the applicant is a suitable alternative.
- k.* Verification of an applicant's hospital and clinical staff privileges and other professional experience for the past five years if requested by the board.
- l.* A statement disclosing and explaining any informal or nonpublic actions, warnings issued, investigations conducted, or disciplinary actions taken, whether by voluntary agreement or formal action, by a medical or professional regulatory authority, an educational institution, a training or research program, or a health facility in any jurisdiction.
- m.* A statement of the applicant's physical and mental health, including full disclosure and a written explanation of any dysfunction or impairment which may affect the ability of the applicant to engage in practice and provide patients with safe and healthful care.
- n.* A statement disclosing and explaining the applicant's involvement in civil litigation related to practice in any jurisdiction. Copies of the legal documents may be requested if needed during the review process.
- o.* A statement disclosing and explaining any charge of a misdemeanor or felony involving the applicant filed in any jurisdiction, whether or not any appeal or other proceeding to have the conviction or plea set aside is pending.

p. A completed fingerprint packet to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed to the applicant.

[ARC 8554B, IAB 3/10/10, effective 4/14/10; ARC 0215C, IAB 7/25/12, effective 8/29/12]

653—9.6(147,148) Licensure by expedited endorsement.

9.6(1) Applicant eligibility. An applicant who has been licensed in any United States jurisdiction or Canada for more than five years shall meet the following requirements to be eligible for permanent licensure by expedited endorsement.

9.6(2) Requirements. To apply for permanent licensure by expedited endorsement, an applicant shall:

a. Pay a nonrefundable initial application fee of \$450 plus the fee identified in 653—subrule 8.4(7) for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI); and

b. Complete and submit forms provided by the board, including required credentials, documents, a completed fingerprint packet, and a sworn statement by the applicant attesting to the truth of all information provided by the applicant.

c. Meet the eligibility requirements set forth in subrule 9.3(1).

d. Be licensed in at least one other United States jurisdiction or Canadian province.

e. Hold an unrestricted license in every jurisdiction in which the applicant is licensed.

f. Have no formal disciplinary actions; no active or pending investigations; no past, pending, public or confidential restrictions or sanctions by a board of medicine, licensing authority, medical society, professional society, hospital, medical school, federal agency, or institution staff sanctions in any state, country or jurisdiction.

g. Hold current specialty board certification by an ABMS or AOA specialty board. Lifetime certification is excluded.

h. Have been engaged in continuous, active practice within the five years immediately preceding the date of submitting an application for licensure. Continuous, active practice includes private practice, employment in a hospital or clinical setting, employment by any governmental entity in community or public health, or practice of administrative, academic or research medicine. Continuous, active practice does not include residency, fellowship or postgraduate training of any kind.

9.6(3) Application. The application shall require the following information:

a. Full legal name, date and place of birth, home address, mailing address and principal business address.

b. A photograph of the applicant suitable for positive identification.

c. A statement listing every jurisdiction in which the applicant is or has been authorized to practice, including license numbers and dates of issuance.

d. A chronology accounting for all time periods from the date the applicant entered medical school to the date of the application.

e. Verification of an applicant's hospital and clinical staff privileges and other professional experience for the past five years if requested by the board.

f. A statement disclosing and explaining any informal or nonpublic actions, warnings issued, investigations conducted, or disciplinary actions taken, whether by voluntary agreement or formal action, by a medical or professional regulatory authority, an educational institution, a training or research program, or a health facility in any jurisdiction.

g. A statement of the applicant's physical and mental health, including full disclosure and a written explanation of any dysfunction or impairment which may affect the ability of the applicant to engage in practice and provide patients with safe and healthful care.

h. A statement disclosing and explaining the applicant's involvement in civil litigation related to practice in any jurisdiction. Copies of the legal documents may be requested if needed during the review process.

i. A statement disclosing and explaining any charge of a misdemeanor or felony involving the applicant filed in any jurisdiction, whether or not any appeal or other proceeding to have the conviction or plea set aside is pending.

j. A completed fingerprint packet to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed to the applicant.

NOTE: The board reserves the right to request information listed in rule 653—9.5(147,148).
[ARC 8554B, IAB 3/10/10, effective 4/14/10; ARC 0215C, IAB 7/25/12, effective 8/29/12]

653—9.7(147,148) Licensure examinations.

9.7(1) USMLE.

a. The USMLE is a joint program of FSMB and the NBME. The USMLE is a multipart examination consisting of Step 1, Step 2, and Step 3. Steps 1 and 2 are administered by NBME and ECFMG. The board contracts with FSMB for the administration of Step 3. USMLE Steps 1 and 2 were implemented in 1992; Step 3 was implemented in 1994.

b. Since 1999, Step 3 is a computerized examination offered at testing centers in the Des Moines area and other locations around Iowa and the United States.

c. Applications are available at Department of Examination Services, FSMB, 400 Fuller Wiser Road, Suite 300, Euless, Texas 76039, or www.fsmb.org.

d. Candidates who meet the following requirements are eligible to take USMLE Step 3:

(1) Submit a completed application form and pay the required examination fee as specified in 653—subrule 8.3(1).

(2) Document successful completion of USMLE Steps 1 and 2 in accordance with the requirements of NBME. Graduates of a foreign medical school shall meet the requirements of ECFMG.

(3) Document holding a medical degree from a board-approved educational institution. If a candidate holds a medical degree from an educational institution not approved by the board at the time the applicant graduated and was awarded the degree, the candidate shall meet the requirements specified in 9.3(1)“c”(3).

(4) Document successful completion of a minimum of seven calendar months of resident training in a program approved by the board at the time of the application for Step 3 or enrollment in a resident training program approved by the board at the time of the application for Step 3.

e. The following conditions shall apply to applicants for licensure in Iowa who utilize USMLE as the licensure examination.

(1) Passing Steps 1, 2, and 3 is required within a ten-year period beginning with the date of passing either Step 1 or Step 2, whichever occurred first. Board certification by the ABMS or AOA is required if the applicant was not able to pass Steps 1, 2, and 3 within the required time as specified in this paragraph.

(2) Step 3 may be taken and passed only after Steps 1 and 2 are passed.

(3) A score of 75 or better on each step shall constitute a passing score on that step.

(4) Each USMLE step must be passed individually, and individual step scores shall not be averaged to compute an overall score.

(5) A failure of any USMLE step, regardless of the jurisdiction for which it was taken, shall be considered a failure of that step for the purposes of Iowa licensure.

(6) Successful completion of a progressive three-year resident training program is required if the applicant passes the examination after more than six attempts on Step 1 or six attempts on Step 2 CK and Step 2 CS combined or three attempts on Step 3.

f. Any candidate deemed eligible to sit for USMLE Step 3 is required to adhere to the examination procedures and protocol established by FSMB and NBME in the following publications: USMLE Test Administration Standards and Policies and Procedures Regarding Indeterminate Scores and Irregular Behavior, FSMB, 400 Fuller Wiser Road, Suite 300, Euless, Texas 76039.

9.7(2) NBME.

a. NBME Part Examinations (Parts I, II, and III) were first administered in 1916. The last regular administration of Part I occurred in 1991, Part II in April 1992, and Part III in May 1994.

- b. Successful completion of NBME Parts I, II, and III was a requirement for NBME certification.
- c. A score of 75 or better on each part shall constitute a passing score on that part.

9.7(3) FLEX.

a. From 1968 to 1985, (Old) FLEX was a three-day examination. Day 1 covered basic science; Day 2 covered clinical science; and Day 3 covered clinical competency. Applicants who took Old FLEX shall provide evidence of successful achievement of at least two of the following:

- (1) Certification under seal that the applicant passed FLEX with a FLEX-weighted average of 75 percent or better, as determined by the state medical licensing authority, in no more than two sittings.
- (2) Verification under seal of medical licensure in the state that administered the examination.
- (3) Evidence of current certification by an American specialty board approved or recognized by the Council of Medical Education of AMA, ABMS, or AOA.

b. From 1985 to 1994, (New) FLEX replaced the Old FLEX. New FLEX was a three-day nationally standardized examination consisting of two, one and one-half day components referred to as Component I (basic and clinical science principles and mechanisms underlying disease and modes of therapy) and Component II (knowledge and cognitive abilities required of a physician assuming independent responsibility for the general delivery of medical care to patients). The last regular administration of both components of New FLEX occurred in 1993. Two special administrations of New FLEX Component I were offered in 1994 to examinees who passed Component II but not Component I prior to 1994. To be eligible for permanent licensure, the candidate must have passed both components in Iowa with a FLEX score of 75 or better within a seven-year period beginning with the date of initial examination.

(1) Candidates who took the FLEX for the first time were required to take both components during the initial sitting. A candidate who failed either or both components must have repeated and passed the component failed, though Component II could only be repeated if the candidate had received a passing score of 75 percent or better on Component I.

(2) Eligible candidates were permitted to sit for the initial examination and reapply to the board to repeat a failed component or complete the entire examination two additional times. However, candidates who failed either or both components three times were required to wait one year, during which time the candidate was encouraged to obtain additional training, before being permitted to sit two additional times for either or both components of the FLEX.

9.7(4) Combination examination sequences. To accommodate individuals who had already passed some part of the NBME Parts or FLEX before implementation of the USMLE, the USMLE program recommended and the board approved the following licensing combinations of examinations for licensure only if completed prior to January 1, 2000. These combinations are now only acceptable from an applicant who already holds a license from any United States jurisdiction.

a. FLEX Component I plus USMLE Step 3 with a passing score of 75 or better on each examination;

b. NBME Part I or USMLE Step 1 plus NBME Part II or USMLE Step 2 plus FLEX Component II with a passing score of 75 or better on each examination; or

c. NBME Part I or USMLE Step 1 plus NBME Part II or USMLE Step 2 plus NBME Part III or USMLE Step 3 with a passing score of 75 or better on each examination.

9.7(5) Examinations for graduates of board-approved colleges of osteopathic medicine and surgery.

a. **COMLEX.**

(1) COMLEX is a three-level examination that replaced the three-part NBOME examination. COMLEX Level 3 was first administered in February 1995; Level 2 was first administered in March 1997; and Level 1 was first administered in June 1998. All three examinations must be successfully completed in sequential order within ten years of the successful completion of COMLEX Level 1. Board certification by the ABMS or AOA is required if the applicant was not able to pass Levels 1, 2, and 3 within the required time as specified in this paragraph.

(2) A standard score of 400 on Level 1 or Level 2 is required to pass the examination. A standard score of 350 on Level 3 is required to pass the examination.

(3) A candidate shall have successfully completed a minimum of seven calendar months of resident training in a program approved by the board at the time of the application for Level 3 or enrollment in a resident training program approved by the board at the time of the application for Level 3.

(4) Successful completion of a progressive three-year resident training program is required if the applicant passes the examination after more than six attempts on Level 1 or six attempts on Level 2 CE and Level 2 PF combined or three attempts on Level 3.

(5) Each COMLEX level must be passed individually, and individual level scores shall not be averaged to compute an overall score.

(6) Level 3 may be taken and passed only after Levels 1 and 2 are passed.

(7) A failure of any COMLEX level, regardless of the jurisdiction for which it was taken, shall be considered a failure of that level for the purposes of Iowa licensure.

b. NBOME. The board accepts a passing score on the NBOME licensure examination for graduates of colleges of osteopathic medicine and surgery in any United States jurisdiction.

(1) NBOME was a three-part examination. All three parts must have been successfully completed in sequential order within seven years of the successful completion of NBOME Part 1.

(2) A passing score is required on each part of the examination.

(3) A candidate shall have successfully completed a minimum of seven calendar months of resident training in a program approved by the board at the time of the application for NBOME Part 3. Candidates shall have completed their resident training by the last day of the month in which the examination was taken.

(4) Successful completion of a three-year resident training program is required if the applicant passes the examination after more than six attempts on Part 1 or six attempts on Part 2 or three attempts on Part 3.

(5) Each NBOME part must have been passed individually, and individual part scores shall not be averaged to compute an overall score.

(6) Part 3 must have been taken and passed only after Parts 1 and 2 were passed.

(7) A failure of any NBOME part, regardless of the jurisdiction for which it was taken, shall be considered a failure of that part for the purposes of Iowa licensure.

9.7(6) LMCC.

a. The board accepts toward Iowa licensure a verification of a Licentiate's registration with the Medical Council of Canada, based on passing the Medical Council of Canada Examination.

b. The Medical Council of Canada may be contacted at P.O. Box/CP 8234, Station 'T', Ottawa, Ontario, Canada K1G 3H7 or (613)521-9417.

[ARC 8554B, IAB 3/10/10, effective 4/14/10; ARC 0215C, IAB 7/25/12, effective 8/29/12]

653—9.8(147,148) Permanent licensure application review process. The process below shall be utilized to review each application. Priority shall be given to processing a licensure application when a written request is received in the board office from an applicant whose practice will primarily involve provision of services to underserved populations, including but not limited to persons who are minorities or low-income or who live in rural areas.

9.8(1) An application for initial licensure shall be considered open from the date the application form is received in the board office with the nonrefundable initial licensure fee.

9.8(2) After reviewing each application, staff shall notify the applicant about how to resolve any problems. An applicant shall provide additional information when requested by staff or the board. Staff shall refer an expedited endorsement applicant to the process for licensure by endorsement or to the committee if:

a. The applicant does not meet the requirements set forth in rule 653—9.6(147,148) for expedited endorsement; or

b. Staff has reasonable concerns about the accuracy or thoroughness of another jurisdiction's licensing process.

9.8(3) If the final review indicates no questions or concerns regarding the applicant's qualifications for licensure, staff may administratively grant the license. The staff may grant the license without having received a report on the applicant from the FBI.

9.8(4) If the final review indicates questions or concerns that cannot be remedied by continued communication with the physician, the executive director, director of licensure and administration and director of legal affairs shall determine if the questions or concerns indicate any uncertainty about the applicant's current qualifications for licensure.

- a. If there is no current concern, staff shall administratively grant the license.
- b. If any concern exists, the application shall be referred to the committee.

9.8(5) Staff shall refer to the committee for review matters which include but are not limited to: falsification of information on the application, criminal record, malpractice, substance abuse, competency, physical or mental illness, or professional disciplinary history.

9.8(6) If the committee is able to eliminate questions or concerns without dissension from staff or a committee member, the committee may direct staff to grant the license administratively.

9.8(7) If the committee is not able to eliminate questions or concerns without dissension from staff or a committee member, the committee shall recommend that the board:

- a. Request an investigation;
- b. Request that the applicant appear for an interview;
- c. If the physician has not engaged in active practice in the past three years in any jurisdiction of the United States or Canada, require an applicant to:
 - (1) Successfully pass a competency evaluation approved by the board;
 - (2) Successfully pass SPEX, COMVEX-USA, or another examination approved by the board;
 - (3) Successfully complete a retraining program arranged by the physician and approved in advance by the board; or
 - (4) Successfully complete a reentry to practice program or monitoring program approved by the board.
- d. Grant a license;
- e. Grant a license under certain terms and conditions or with certain restrictions;
- f. Request that the applicant withdraw the licensure application; or
- g. Deny a license.

9.8(8) The board shall consider applications and recommendations from the committee and shall:

- a. Request further investigation;
- b. Require that the applicant appear for an interview;
- c. If the physician has not engaged in active practice in the past three years in any jurisdiction of the United States or Canada, require an applicant to:
 - (1) Successfully pass a competency evaluation approved by the board;
 - (2) Successfully pass SPEX, COMVEX-USA, or another examination approved by the board;
 - (3) Successfully complete a retraining program arranged by the physician and approved in advance by the board; or
 - (4) Successfully complete a reentry to practice program or monitoring program approved by the board.
- d. Grant a license;
- e. Grant a license under certain terms and conditions or with certain restrictions;
- f. Request that the applicant withdraw the licensure application; or
- g. Deny a license. The board may deny a license for any grounds on which the board may discipline a license. The procedure for appealing a license denial is set forth in rule 653—9.15(147,148).

[ARC 8554B, IAB 3/10/10, effective 4/14/10; ARC 0215C, IAB 7/25/12, effective 8/29/12]

653—9.9(147,148) Licensure application cycle.

9.9(1) *Failure to submit application materials.* If the applicant does not submit all materials, including a completed fingerprint packet, within 90 days of the board's initial request for further

information, the application shall be considered inactive. The board office shall notify the applicant of this change in status.

9.9(2) *Reactivation of the application.* To reactivate the application, an applicant shall submit a nonrefundable reactivation of application fee of \$150 and shall update credentials.

a. The period for requesting reactivation is limited to 90 days from the date the applicant is notified that the application is inactive, unless the applicant is granted an extension in writing by the committee or the board.

b. The period for reactivation of application shall extend 90 days from the date the request and fee are received in the board office. During this period, the applicant shall update credentials and submit the remaining requested materials unless granted an extension in writing by the committee or the board.

c. Once the reactivation period expires, an applicant must reapply and submit a new nonrefundable application fee and a new application, documents and credentials.

[ARC 8554B, IAB 3/10/10, effective 4/14/10; ARC 0215C, IAB 7/25/12, effective 8/29/12]

653—9.10(147,148) Discretionary board actions on licensure applications. As circumstances warrant, the board may determine that any applicant for licensure is subject to the following:

9.10(1) The board may impose limits or restrictions on the practice of any applicant once licensed in this state that are equal in force to the limits or restrictions imposed on the applicant by any jurisdiction.

9.10(2) The board may defer final action on an application for licensure if there is an investigation or disciplinary action pending against an applicant in any jurisdiction until such time as the board is satisfied that licensure of the applicant poses no risk to the health and safety of Iowans.

9.10(3) The board is not precluded from taking disciplinary action after licensure is granted related to issues that arose in the licensure application process.

[ARC 8554B, IAB 3/10/10, effective 4/14/10]

653—9.11(147,148) Issuance of a permanent license.

9.11(1) *Issuance.* Upon the granting of permanent licensure, staff shall issue an original license to practice that shall expire on the first day of the licensee's birth month.

a. Licenses of persons born in even-numbered years shall expire in an even-numbered year, and licenses of persons born in odd-numbered years shall expire in an odd-numbered year.

b. The license shall not be issued for a period less than two months or greater than two years and two months, in accordance with the licensee's month and year of birth.

c. When a resident physician receives a permanent Iowa license, the resident physician license shall immediately become inactive.

d. When a physician with a special license receives a permanent Iowa license, the special license shall immediately become inactive.

9.11(2) *Display of license.* The original permanent license shall be displayed in the licensee's primary location of practice.

[ARC 8554B, IAB 3/10/10, effective 4/14/10; ARC 0215C, IAB 7/25/12, effective 8/29/12]

653—9.12(147,148) Notification required to change the board's data system.

9.12(1) *Change of address.* A licensee shall notify the board of any change in the home address or the address of the place of practice within one month of making an address change.

9.12(2) *Change of name.* A licensee shall notify the board of any change in name within one month of making the name change. Notification requires a notarized copy of a marriage license or a notarized copy of court documents.

9.12(3) *Deceased.* A licensee file shall be closed and labeled "deceased" when the board receives a copy of the physician's death certificate.

[ARC 8554B, IAB 3/10/10, effective 4/14/10]

653—9.13(147,148) Renewal of a permanent license.

9.13(1) *Renewal notice.* Staff shall send a renewal notice by regular mail to each licensee at the licensee's last-known address at least 60 days prior to the expiration of the license.

9.13(2) *Licensee obligation.* The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive the notice does not relieve the licensee of responsibility for renewing that license.

9.13(3) *Renewal application requirements.* A licensee seeking renewal shall submit a completed renewal application; information on continuing education, training on chronic pain management, training on end-of-life care, and training on identifying and reporting abuse; and the required fee prior to the expiration date on the current license.

a. The renewal fee is \$550 if the renewal is made via paper application or \$450 if the renewal is made via on-line application, per biennial period or a prorated portion thereof if the current license was issued for a period of less than 24 months.

b. The requirements for continuing education and training on identifying and reporting abuse are found in 653—Chapter 11.

c. The first renewal fee shall be prorated on a monthly basis according to the date of issuance and the physician's month and year of birth, if the original permanent license was issued for a period of less than 24 months.

9.13(4) *Issuance of a renewal.* Upon receiving the completed renewal application, staff shall administratively issue a two-year license that expires on the first day of the licensee's birth month. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration.

9.13(5) *Renewal penalties.* If the licensee fails to submit the renewal application and renewal fee prior to the expiration date on the current license, the licensee shall be charged a penalty fee as set forth in 653—paragraph 8.4(1) "d."

9.13(6) *Failure to renew.* Failure of the licensee to renew a license within two months following its expiration date shall cause the license to become inactive and invalid. A licensee whose license is invalid is prohibited from practice until the license is reinstated in accordance with rule 653—9.15(147,148).

a. In order to ensure that the license will not become inactive when a paper renewal form is used, the completed renewal application and appropriate fees must be received in the board office by the fifteenth of the month prior to the month the license becomes inactive. For example, a licensee whose license expires on January 1 has until March 1 to renew the license or the license becomes inactive and invalid. The licensee must submit and the board office must receive the renewal materials prior to or on February 15 to ensure that the license will be renewed prior to becoming inactive and invalid on March 1.

b. In order to ensure that the license will not become inactive when on-line renewal is used, the licensee must complete the on-line renewal prior to midnight of the last day of the month in the month after the expiration date on the license. For example, a licensee whose license expiration date is January 1 must complete the on-line renewal before midnight on the last day of February; the license becomes inactive and invalid at 12:01 a.m. on March 1.

9.13(7) *Display of license.* Renewal licenses shall be displayed along with the original permanent license in the primary location of practice.

[ARC 8554B, IAB 3/10/10, effective 4/14/10; ARC 0215C, IAB 7/25/12, effective 8/29/12]

653—9.14(147,148) Inactive status and reinstatement of a permanent license.

9.14(1) *Definition of inactive status.* An inactive license is any license that is not a current, active license.

a. "Inactive status" may include licenses formerly known as delinquent, lapsed, or retired.

b. A physician with an inactive license may not practice medicine until the license is reinstated to current, active status.

c. A physician whose license is inactive continues to hold the privilege of licensure in Iowa but may not practice medicine under an Iowa license until the license is reinstated to current, active status. A licensee who practices under an Iowa license when the license is inactive may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, or other available legal remedies.

9.14(2) *Mechanisms for becoming inactive.* A licensee seeking to become inactive may do so by submitting a written request to the board office or by failing to renew a license by the first day of the third month after the expiration date. For example, a licensee whose license expires on January 1 will be considered inactive if the license is not renewed by March 1.

9.14(3) *Fee.* There is no fee to become inactive.
[ARC 8554B, IAB 3/10/10, effective 4/14/10]

653—9.15(147,148) Reinstatement of an unrestricted Iowa license.

9.15(1) *Reinstatement within one year of the license's becoming inactive.* An individual whose license is in inactive status for up to one year and who wishes to reinstate the license shall submit a completed renewal application; documentation of continuing education; training on chronic pain management, training on end-of-life care, and training on identifying and reporting abuse; and the reinstatement fee. All of the information shall be received in the board office within one year of the license's becoming inactive for the applicant to reinstate under this subrule. For example, a physician whose license became inactive on March 1 has until the last day of the following February to renew under this subrule.

a. Fees for reinstatement within one year of the license's becoming inactive. The reinstatement fee is \$550 except when the license in the most recent license period had been granted for less than 24 months; in that case, the reinstatement fee is prorated according to the date of issuance and the physician's month and year of birth.

b. Continuing education and training requirements. The requirements for continuing education, training on chronic pain management, training on end-of-life care, and training on identifying and reporting abuse are found in 653—Chapter 11. Applicants for reinstatement shall provide documentation of having completed:

- (1) The number of hours of category 1 credit needed for renewal in the most recent license period. None of the credits obtained in the inactive period may be carried over to a future license period; and
- (2) Training on chronic pain management, end-of-life care, and identifying and reporting abuse, if applicable, within the previous five years.

c. Issuance of a reinstated license. Upon receiving the completed application, staff shall administratively issue a license that expires on the renewal date that would have been in effect if the licensee had renewed the license before the license expired.

d. Reinstatement application process. The applicant who fails to submit all reinstatement information required within 365 days of the license's becoming inactive shall be required to meet the reinstatement requirements of 9.15(2). For example, if a physician's license expires on January 1, the completed reinstatement application is due in the board office by December 31, in order to meet the requirements of this subrule.

9.15(2) *Reinstatement of an unrestricted Iowa license that has been inactive for one year or longer.* An individual whose license is in inactive status and who has not submitted a reinstatement application that was received by the board within one year of the license's becoming inactive shall follow the application cycle specified in this rule and shall satisfy the following requirements for reinstatement:

a. Submit an application for reinstatement to the board upon forms provided by the board. The application shall require the following information:

- (1) Full legal name, date and place of birth, license number, home address, mailing address and principal business address;
- (2) A chronology accounting for all time periods from the date of initial licensure;
- (3) Every jurisdiction in which the applicant is or has been authorized to practice including license numbers and dates of issuance;
- (4) Verification of the applicant's hospital and clinical staff privileges, and other professional experience for the past five years if requested by the board;
- (5) A statement disclosing and explaining any warnings issued, investigations conducted or disciplinary actions taken, whether by voluntary agreement or formal action, by a medical or

professional regulatory authority, an educational institution, training or research program, or health facility in any jurisdiction;

(6) A statement of the applicant's physical and mental health, including full disclosure and a written explanation of any dysfunction or impairment which may affect the ability of the applicant to engage in practice and provide patients with safe and healthful care;

(7) A statement disclosing and explaining the applicant's involvement in civil litigation related to practice in any jurisdiction. Copies of the legal documents may be requested if needed during the review process;

(8) A statement disclosing and explaining any charge of a misdemeanor or felony involving the applicant filed in any jurisdiction, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; and

(9) A completed fingerprint packet to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed to the applicant.

b. Pay the reinstatement fee of \$500 plus the fee identified in 653—subrule 8.4(7) for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks. No fee is required for reinstatement for those whose licenses became inactive between December 8, 1999, and July 4, 2001; however, the fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed.

c. Provide documentation of completion of 80 hours of category 1 credit within the previous two years and documentation of training on chronic pain management, end-of-life care, and identifying and reporting abuse as specified in 653—Chapter 11.

d. If the physician has not engaged in active practice in the past three years in any jurisdiction of the United States or Canada, require an applicant to:

- (1) Successfully pass a competency evaluation approved by the board;
- (2) Successfully pass SPEX, COMVEX-USA, or another examination approved by the board;
- (3) Successfully complete a retraining program arranged by the physician and approved in advance by the board; or
- (4) Successfully complete a reentry to practice program or monitoring program approved by the board.

e. An individual who is able to submit a letter from the board with different reinstatement or reactivation criteria is eligible for reinstatement based on those criteria.

9.15(3) *Reinstatement application cycle and process.* The cycle and process are the same as described in rules 653—9.8(147,148) and 653—9.9(147,148).

[ARC 8554B, IAB 3/10/10, effective 4/14/10; ARC 0215C, IAB 7/25/12, effective 8/29/12]

653—9.16(147,148) Reinstatement of a restricted Iowa license. A physician whose license has been suspended or revoked following a disciplinary proceeding is required to seek reinstatement pursuant to 653—Chapter 26.

[ARC 8554B, IAB 3/10/10, effective 4/14/10]

653—9.17(147,148) Denial of licensure.

9.17(1) *Preliminary notice of denial.* Prior to the denial of licensure to an applicant, the board shall issue a preliminary notice of denial that shall be sent to the applicant by regular, first-class mail at the address provided by the applicant. The preliminary notice of denial is a public record and shall cite the factual and legal basis for denying the application, notify the applicant of the appeal process, and specify the date upon which the denial will become final if it is not appealed.

9.17(2) *Appeal procedure.* An applicant who has received a preliminary notice of denial may appeal the denial and request a hearing on the issues related to the preliminary notice of denial by serving a request for hearing upon the executive director not more than 30 calendar days following the date when the preliminary notice of denial was mailed. The applicant's current address shall be provided in the request for hearing. The request is deemed filed on the date it is received in the board office. If the request is received with a USPS nonmetered postmark, the board shall consider the postmark date as

the date the request is filed. The request shall specify the factual or legal errors and that the applicant desires an evidentiary hearing, and may provide additional written information or documents in support of licensure.

9.17(3) *Hearing.* If an applicant appeals the preliminary notice of denial and requests a hearing, the hearing shall be a contested case and subsequent proceedings shall be conducted in accordance with 653—25.30(17A).

- a.* License denial hearings are contested cases open to the public.
- b.* Either party may request issuance of a protective order in the event privileged or confidential information is submitted into evidence.
- c.* Evidence supporting the denial of the license may be presented by an assistant attorney general.
- d.* While each party shall have the burden of establishing the affirmative of matters asserted, the applicant shall have the ultimate burden of persuasion as to the applicant's qualification for licensure.
- e.* The board, after a hearing on license denial, may grant or deny the application for licensure. The board shall state the reasons for its decision and may grant the license, grant the license with restrictions or deny the license. The final decision is a public record.
- f.* Judicial review of a final order of the board denying licensure, or issuing a license with restrictions, may be sought in accordance with the provisions of Iowa Code section 17A.19, which are applicable to judicial review of any agency's final decision in a contested case.

9.17(4) *Finality.* If an applicant does not appeal a preliminary notice of denial in accordance with 9.17(2), the preliminary notice of denial automatically becomes final. A final denial of an application for licensure is a public record.

9.17(5) *Failure to pursue appeal.* If an applicant appeals a preliminary notice of denial in accordance with 9.17(2), but the applicant fails to pursue that appeal to a final decision within one year from the date of the preliminary notice of denial, the board may dismiss the appeal. The appeal may be dismissed only after the board sends a written notice by first-class mail to the applicant at the applicant's last-known address. The notice shall state that the appeal will be dismissed and the preliminary notice of denial will become final if the applicant does not contact the board to schedule the appeal hearing within 30 days of the date the letter is mailed from the board office. Upon dismissal of an appeal, the preliminary notice of denial becomes final. A final denial of an application for licensure under this rule is a public record.
[ARC 7756B, IAB 5/6/09, effective 6/10/09; ARC 8554B, IAB 3/10/10, effective 4/14/10]

653—9.18(17A,147,148,272C) Waiver or variance requests. Waiver or variance requests shall be submitted in conformance with 653—Chapter 3.
[ARC 8554B, IAB 3/10/10, effective 4/14/10]

These rules are intended to implement Iowa Code chapters 17A, 147, 148, and 272C.

- [Filed 5/11/01, Notice 4/4/01—published 5/30/01, effective 7/4/01]
- [Filed 2/14/02, Notice 11/28/01—published 3/6/02, effective 4/10/02]
- [Filed emergency 4/12/02—published 5/1/02, effective 4/12/02]
- [Filed 4/12/02, Notice 3/6/02—published 5/1/02, effective 6/5/02]
- [Filed 6/6/02, Notice 5/1/02—published 6/26/02, effective 7/31/02]
- [Filed emergency 10/9/02 after Notice 8/21/02—published 10/30/02, effective 10/9/02]
- [Filed emergency 2/7/03 after Notice 1/8/03—published 3/5/03, effective 2/7/03]
- [Filed emergency 8/28/03 after Notice 7/23/03—published 9/17/03, effective 9/1/03]
- [Filed 7/16/04, Notice 6/9/04—published 8/4/04, effective 9/8/04]
- [Filed 9/9/04, Notice 8/4/04—published 9/29/04, effective 11/3/04][◇]
- [Filed 12/30/04, Notice 11/24/04—published 1/19/05, effective 2/23/05]
- [Filed 6/17/05, Notice 5/11/05—published 7/6/05, effective 8/10/05]
- [Filed emergency 8/30/05 after Notice 7/6/05—published 9/28/05, effective 10/1/05]
- [Filed 10/12/06, Notice 8/2/06—published 11/8/06, effective 1/1/07]
- [Filed 12/14/06, Notice 11/8/06—published 1/17/07, effective 2/21/07]
- [Filed emergency 2/8/07 after Notice 1/3/07—published 2/28/07, effective 3/1/07]
- [Filed emergency 11/21/07 after Notice 10/10/07—published 12/19/07, effective 1/1/08]

[Filed 4/3/08, Notice 2/27/08—published 4/23/08, effective 5/28/08]

[Filed 9/18/08, Notice 8/13/08—published 10/8/08, effective 11/12/08][◇]

[Filed ARC 7756B (Notice ARC 7607B, IAB 3/11/09), IAB 5/6/09, effective 6/10/09]

[Filed ARC 8554B (Notice ARC 8379B, IAB 12/16/09), IAB 3/10/10, effective 4/14/10]

[Filed ARC 0215C (Notice ARC 0090C, IAB 4/18/12), IAB 7/25/12, effective 8/29/12]

[◇] Two or more ARCs

CHAPTER 10
RESIDENT, SPECIAL AND TEMPORARY PHYSICIAN LICENSURE
[Prior to 5/30/01, see 653—Chapter 11]

653—10.1(147,148) Definitions.

“ABMS” means the American Board of Medical Specialties, which is an umbrella organization for at least 24 medical specialty boards in the United States that assists the specialty boards in developing and implementing educational and professional standards to evaluate and certify physician specialists in the United States. The board recognizes specialty board certification by ABMS.

“ACGME” means Accreditation Council for Graduate Medical Education, an accreditation body that is responsible for accreditation of post-medical school training programs in medicine and surgery in the United States of America.

“AMA” means the American Medical Association, a professional organization of physicians and surgeons.

“Any jurisdiction” means any state, the District of Columbia or territory of the United States of America or any other nation.

“Any United States jurisdiction” means any state, the District of Columbia or territory of the United States of America.

“AOA” means the American Osteopathic Association, which is the representative organization for osteopathic physicians (D.O.s) in the United States. The board approves osteopathic medical education programs with AOA accreditation; the board approves AOA-accredited resident training programs in osteopathic medicine and surgery at hospitals for graduates of accredited osteopathic medical schools. The board recognizes specialty board certification by AOA. The board recognizes continuing medical education accredited by the Council on Continuing Medical Education of AOA.

“Applicant” means a person who seeks authorization to practice medicine and surgery or osteopathic medicine and surgery in this state by making application to the board.

“Approved abuse education training program” means a training program using a curriculum approved by the abuse education review panel of the department of public health or a training program offered by a hospital, a professional organization for physicians, or the department of human services, the department of education, an area education agency, a school district, the Iowa law enforcement academy, an Iowa college or university, or a similar state agency.

“Board” means Iowa board of medicine.

“Board-approved activity” means one of the following activities:

1. Covering for an Iowa-licensed physician who unexpectedly is unavailable to provide medical care to the physician’s patients;
2. Demonstrating or proctoring that involves providing hands-on patient care to patients in Iowa;
3. Conducting a procedure on a patient in Iowa when the consultant’s expertise in the procedure is greater than that of the Iowa-licensed physician who requested the procedure;
4. Providing medical care to patients in Iowa, if the physician is enrolled in an out-of-state resident training program and does not hold a resident or permanent license in the home state of the resident training program;
5. Serving as a camp physician;
6. Participating as a learner in a program of further medical education that allows hands-on patient care when the physician does not currently hold a license in good standing in any United States jurisdiction; or
7. Any other activity approved by the board.

“Board-approved resident training program” means a hospital-affiliated graduate medical education program accredited by ACGME, AOA, RCPSC, or CFPC at the time the applicant is enrolled in the program.

“Category I credit” means any formal education program which is sponsored or jointly sponsored by an organization accredited for continuing medical education by the Accreditation Council for Continuing Medical Education, the Iowa Medical Society, or the Council on Continuing Medical Education of AOA

that is of sufficient scope and depth of coverage of a subject area or theme to form an educational unit and is planned, administered and evaluated in terms of educational objectives that define a level of knowledge or a specific performance skill to be attained by the physician completing the program. Credits designated as formal cognates by the American College of Obstetricians and Gynecologists or as prescribed credits by the American Academy of Family Physicians are accepted as equivalent to category 1 credits.

“*CFPC*” means the College of Family Physicians of Canada.

“*Committee*” means the licensure committee of the board.

“*ECFMG*” means the Educational Commission for Foreign Medical Graduates, an organization that assesses the readiness of international medical school graduates to enter ACGME-approved residency programs in the United States of America.

“*FCVS*” means the Federation Credentials Verification Service, a service under the Federation of State Medical Boards that verifies and stores core credentials for retrieval whenever needed.

“*FSMB*” means the Federation of State Medical Boards, the organization of medical boards of the United States of America.

“*Incidentally called into this state in consultation with a physician and surgeon licensed in this state*” as set forth in Iowa Code section 148.2(5) means all of the following shall be true:

1. The consulting physician shall be involved in the care of patients in Iowa only at the request of an Iowa-licensed physician.
2. The consulting physician has a license in good standing in another United States jurisdiction.
3. The consulting physician provides expertise and acts in an advisory capacity to an Iowa-licensed physician. The consulting physician may examine the patient and advise an Iowa-licensed physician as to the care that should be provided, but the consulting physician may not personally perform procedures, write orders, or prescribe for the patient.
4. The consulting physician practices in Iowa for a period not greater than 10 consecutive days and not more than 20 total days in any calendar year. Any portion of a day counts as one day.
5. The Iowa-licensed physician requesting the consultation retains the primary responsibility for the management of the patient’s care.

“*LCME*” means Liaison Committee on Medical Education, an organization that accredits educational institutions granting degrees in medicine and surgery. The board approves programs that are accredited by LCME.

“*Medical degree*” means a degree of doctor of medicine and surgery or osteopathic medicine and surgery or comparable education from an international medical school.

“*Permanent licensure*” means licensure granted after review of the application and credentials to determine that the individual is qualified to enter into practice. The individual may only practice when the license is in current, active status.

“*Postgraduate training*” means graduate medical education, e.g., an internship, residency or fellowship, in a hospital-affiliated training program approved by the board at the time the applicant was enrolled in the program.

“*Practice*” means the practice of medicine and surgery or osteopathic medicine and surgery.

“*RCPSC*” means the Royal College of Physicians and Surgeons of Canada.

“*Resident physician*” means a physician enrolled in an internship, residency or fellowship.

“*Resident training program*” means a hospital-affiliated graduate medical education program that enrolls interns, residents or fellows and may be referred to as a postgraduate training program for purposes of licensure.

“*Service charge*” means the amount charged for making a service available on line and is in addition to the actual fee for a service itself. For example, one who renews a license on line will pay the license renewal fee and a service charge.

“*Training for chronic pain management*” means required training on chronic pain management identified in 653—Chapter 11.

“*Training for end-of-life care*” means required training on end-of-life care identified in 653—Chapter 11.

“Training for identifying and reporting abuse” means training on identifying and reporting child abuse or dependent adult abuse required of physicians who regularly provide primary health care to children or adults, respectively. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69; the full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

“Uniform application for physician state licensure” means a Web-based application that is intended to standardize and simplify the licensure application process for state medical licensure. The Federation of State Medical Boards created and maintains the application. This application is used for all license types issued by the Iowa board of medicine.

[ARC 0216C, IAB 7/25/12, effective 8/29/12]

653—10.2(148) Licensure required. Licensure is required for practice in Iowa as identified in Iowa Code section 148.1; the exceptions are identified in 653—subrule 9.2(2). Provisions for permanent physician licensure are found in 653—Chapter 9; provisions for resident, special and temporary physician licensure are found in this chapter.

653—10.3(147,148) Resident physician licensure.

10.3(1) General provisions.

a. The resident physician license shall authorize the licensee to practice as an intern, resident or fellow while under the supervision of a licensed practitioner of medicine and surgery or osteopathic medicine and surgery in a board-approved resident training program in Iowa. When the ACGME, AOA, RCPSC, or CFPC fails to offer accreditation for a fellowship or the fellowship fails to seek accreditation, the board shall approve the program if the parent program is accredited by one of the aforementioned accrediting bodies. However, completion of one or more years of a program that itself lacks such accreditation does not fulfill the one-year resident training requirement for permanent licensure.

b. An Iowa resident physician license or an Iowa permanent physician license is required of any resident physician enrolled in an Iowa resident training program and practicing in Iowa.

c. A resident physician license issued on or after February 14, 2003, shall expire on the expected date of completion of the resident training program as indicated on the licensure application. A resident physician license may be extended thereafter at the discretion of the board.

d. A resident physician license is valid only for practice in the program designated in the application. When the physician leaves that program, the license shall immediately become inactive. The director of the resident training program shall notify the board within 30 days of the licensee's terminating from the program.

e. A resident physician licensee who changes resident training programs shall apply for a new resident physician license as described in subrule 10.3(3). Such changes include a transfer to a different program in the same institution, a move to a program in another institution, or becoming a fellow after completing a residency in the same core program. An individual who contracts with an institution to be in two programs from the time of application for the resident license shall not be required to apply for another resident license for the second program. For example, if a residency requires one year in internal medicine prior to three years in dermatology, the individual may apply initially for a four-year resident license to cover the bundled program. Relicensure is not required if the individual holds a permanent physician license in Iowa.

f. A visiting resident physician may come to Iowa to practice as a part of the physician's resident training program if the physician is under the supervision of an Iowa-licensed physician. An Iowa physician license is not required of a physician in training if the physician has a resident or permanent license in good standing in the home state of the resident training program. An Iowa temporary physician license is required of a physician in training if the physician does not hold a resident or permanent physician license in good standing in the home state of the resident training program (see rule 653—10.5(147,148)).

g. An Iowa license is not required for residents when they are training in a federal facility in Iowa. An Iowa license is not required for faculty who are teaching in and employed by a federal facility in Iowa and who are licensed in another state.

h. The director of a resident training program that enrolls a resident with an Iowa resident physician license shall report annually on October 1 on the resident's progress and whether any warnings have been issued, investigations conducted or disciplinary actions taken, whether by voluntary agreement or formal action. The board shall inform the program directors on September 1 of the impending deadline.

i. A resident physician licensee shall notify the board of any change in name within one month of making the name change. Notification requires a notarized copy of a marriage license or a notarized copy of court documents.

j. A resident physician licensee's file shall be closed and labeled "deceased" when the board receives a copy of the physician's death certificate.

10.3(2) Resident licensure eligibility. To be eligible for a resident license, an applicant shall meet all of the following requirements:

- a. Fulfill the application requirements specified in subrule 10.3(3).
- b. Be at least 20 years of age.
- c. Hold a medical degree from an educational institution approved by the board at the time the applicant graduated and was awarded the degree.

(1) Educational institutions approved by the board shall be fully accredited by an accrediting agency recognized by the board as schools of instruction in medicine and surgery or osteopathic medicine and surgery and empowered to grant academic degrees in medicine.

(2) The accrediting bodies currently recognized by the board are:

1. LCME for the educational institutions granting degrees in medicine and surgery; and
2. AOA for educational institutions granting degrees in osteopathic medicine and surgery.

(3) If the applicant holds a medical degree from an educational institution not approved by the board at the time the applicant graduated and was awarded the degree, the applicant shall:

1. Hold a valid certificate issued by ECFMG, or
2. Have successfully completed a fifth pathway program established in accordance with AMA criteria.

10.3(3) Resident physician licensure application.

a. *Requirements.* To apply for resident physician licensure, an applicant shall:

(1) Pay a nonrefundable application fee of \$150 plus the fee identified in 653—subrule 8.4(7) for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI); and

(2) Complete and submit forms provided by the board, including required credentials, documents, a completed fingerprint packet, and a sworn statement by the applicant attesting to the truth of all information provided by the applicant.

b. *Application.* The application shall require the following information:

- (1) Full legal name, date and place of birth, home address, and mailing address;
- (2) A photograph of the applicant suitable for positive identification;
- (3) A statement listing every jurisdiction in which the applicant is or has been authorized to practice, including license numbers and dates of issuance;

(4) A chronology accounting for all time periods from the date the applicant entered medical school to the date of the application;

(5) A photocopy of the applicant's medical degree issued by an educational institution.

1. A complete translation shall be submitted for any diploma not written in English. An official transcript, written in English and received directly from the school, verifying graduation from medical school is a suitable alternative. An official FCVS Physician Information Profile is a suitable alternative.

2. If a copy of the medical degree cannot be provided because of extraordinary circumstances, the board may accept other reliable evidence that the applicant obtained a medical degree from a specific educational institution;

(6) If the educational institution awarding the applicant the degree has not been approved by the board, the applicant shall provide a valid ECFMG certificate or evidence of successful completion of a fifth pathway program in accordance with criteria established by the AMA. An official FCVS Physician Information Profile is a suitable alternative;

(7) A statement disclosing and explaining any warnings issued, investigations conducted, or disciplinary actions taken, whether by voluntary agreement or formal action, by a medical or professional regulatory authority, an educational institution, training or research program, or health care facility in any jurisdiction;

(8) A statement of the applicant's physical and mental health, including full disclosure and a written explanation of any dysfunction or impairment which may affect the ability of the applicant to engage in practice and provide patients with safe and healthful care;

(9) A statement disclosing and explaining the applicant's involvement in civil litigation related to practice in any jurisdiction. Copies of the legal documents may be requested if needed during the review process;

(10) A statement disclosing and explaining any charge of a misdemeanor or felony involving the applicant filed in any jurisdiction, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; and

(11) A completed fingerprint packet to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed to the applicant.

10.3(4) *Resident license application review process.* The process below shall be utilized to review each application for a resident license.

a. An application shall be considered open from the date the application form is received in the board office with the nonrefundable resident licensure fee.

b. After reviewing each application, staff shall notify the applicant or designee about how to resolve any problems identified by the reviewer.

c. If the final review indicates no questions or concerns regarding the applicant's qualifications for licensure, staff may grant administratively a resident license.

d. If the final review indicates questions or concerns that cannot be remedied by continued communication with the applicant, the executive director, director of licensure and administration, and director of legal affairs shall determine if the questions or concerns indicate any uncertainty about the applicant's current qualifications for licensure.

(1) If there is no current concern, staff shall grant administratively a resident license.

(2) If any concern exists, the application shall be referred to the committee.

e. Staff shall refer to the committee for review matters which include, but are not limited to, falsification of information on the application, criminal record, substance abuse, competency, physical or mental illness, or educational disciplinary history.

f. If the committee is able to eliminate questions or concerns without dissension from staff or a committee member, the committee may direct staff to grant administratively a resident license.

g. If the committee is not able to eliminate questions or concerns without dissension from staff or a committee member, the committee shall recommend that the board:

(1) Request an investigation;

(2) Request that the applicant appear for an interview;

(3) Grant a resident physician license for a particular residency program;

(4) Grant a license under certain terms and conditions or with certain restrictions;

(5) Request that the applicant withdraw the licensure application; or

(6) Deny a license.

h. The board shall consider applications and recommendations from the committee and shall:

(1) Request an investigation;

(2) Request that the applicant appear for an interview;

(3) Grant a resident physician license for a particular residency program;

(4) Grant a license under certain terms and conditions or with certain restrictions;

- (5) Request that the applicant withdraw the licensure application; or
- (6) Deny a license. The board may deny a license for any grounds on which the board may discipline a license. The procedure for appealing a license denial is set forth in 653—9.15(147,148).

10.3(5) *Resident license application cycle.* If the applicant does not submit all materials within 90 days of the board's initial request for further information, the application shall be considered inactive. The board office shall notify the applicant of this change in status. An applicant must reapply and submit a new nonrefundable application fee and a new application, documents and credentials.

10.3(6) *Extension of a resident physician license.*

a. If the licensee fails to complete the program by the expiration date on the license, the licensee has a one-month grace period in which to complete the program or secure an extension from the board.

b. The resident physician licensee is responsible for applying for an extension if the licensee has not been granted permanent physician licensure and the licensee will not complete the program within the grace period. The following extension application materials are due in the board office prior to the expiration of the license:

- (1) A letter requesting an extension and providing an explanation of the need for an extension;
- (2) The extension fee of \$25; and
- (3) A statement from the director of the resident training program attesting to the new expected date of completion of the program and the individual's progress in the program and whether any warnings have been issued, investigations conducted or disciplinary actions taken, whether by voluntary agreement or formal action.

c. Failure of the licensee to extend a license within one month following the expiration date shall cause the license to become inactive and invalid. For example, a license that expires on June 26 becomes inactive and invalid on July 26. A licensee whose license is inactive is prohibited from practice until the license is extended or replaced by a permanent physician or new resident physician license.

d. To extend an inactive resident license within one year of becoming inactive, an applicant shall submit the following:

- (1) A letter requesting an extension and providing an explanation of the need for an extension;
- (2) The extension fee of \$25;
- (3) A \$50 late fee; and
- (4) A statement from the director of the resident training program attesting to the new expected date of completion of the program and the individual's progress in the program and whether any warnings have been issued, investigations conducted or disciplinary actions taken, whether by voluntary agreement or formal action.

e. If more than one year has passed since the resident license became inactive, the applicant shall apply for a new resident license as described in subrule 10.3(3).

10.3(7) *Continuing education and training.* Applicants seeking an extension of a resident physician license or an extension of an inactive resident physician license are not required to complete continuing medical education or training requirements as identified in 653—Chapter 11.

10.3(8) *Review process for extending a resident license.* The process below shall be utilized to review each request for an extension of a resident license.

a. An extension request shall be considered open from the date the required letters and nonrefundable extension fee are received in the board office.

b. After reviewing each request for extension, staff shall notify the licensee or designee about how to resolve any problems identified by the reviewer. The applicant for license extension shall provide additional information when requested by staff or the board.

c. If the final review indicates no questions or concerns regarding the applicant's qualifications for continued licensure, staff may grant administratively an extension to a resident license.

d. If the final review indicates questions or concerns that cannot be remedied by continued communication with the applicant, the executive director, the director of licensure and administration, and the director of legal affairs shall determine if the questions or concerns indicate any uncertainty about the applicant's current qualifications for licensure.

- (1) If there is no current concern, staff shall grant administratively an extension to a resident license.

(2) If any concern exists, the application shall be referred to the committee.

e. Staff shall refer to the committee for review matters which include, but are not limited to, falsification of information in the request, criminal record, substance abuse, competency, physical or mental illness, or educational disciplinary history.

f. If the committee is able to eliminate questions or concerns without dissension from staff or a committee member, the committee may direct staff to grant administratively an extension to a resident license.

g. If the committee is not able to eliminate questions or concerns without dissension from staff or a committee member, the committee shall recommend that the board:

- (1) Request an investigation;
- (2) Request that the licensee appear for an interview;
- (3) Grant a license under certain terms and conditions or with certain restrictions;
- (4) Request that the licensee withdraw the request for an extension; or
- (5) Deny a request for an extension of the license.

h. The board shall consider applications and recommendations from the committee and shall:

- (1) Request an investigation;
- (2) Request that the licensee appear for an interview;
- (3) Grant an extension to the resident physician license;
- (4) Grant an extension to the resident physician license under certain terms and conditions or with certain restrictions;
- (5) Request that the licensee withdraw the request for an extension; or
- (6) Deny a request for an extension of the license. The board may deny an extension of a license for any grounds on which the board may discipline a license. The procedure for appealing a license denial of an extension is set forth in 653—9.15(147,148).

10.3(9) *An Iowa resident physician who changes resident training programs in Iowa.* A resident physician who changes resident training programs shall acquire new resident physician licensure or permanent licensure prior to entering the new resident training program. Such changes include a transfer to a different program in the same institution, a move to a program in another institution, or becoming a fellow after completing a residency in the same core program. An individual who contracts with an institution to be in two programs from the time of application for the resident license shall not be required to apply for another resident license for the second program. A resident physician licensee applying for a new resident license shall submit the following:

- a. A nonrefundable resident licensure application fee of \$100;
- b. Materials required in subparagraphs 10.3(3) “b”(1) to (4) and (7) to (10);
- c. A statement from the director of the applicant’s most recent residency program documenting the applicant’s progress in the program and whether any warnings had been issued, investigations conducted or disciplinary actions taken, whether by voluntary agreement or formal action; and

10.3(10) *Discipline of a resident license.* The board may discipline a license for any of the grounds for which licensure may be revoked or suspended as specified in Iowa Code section 147.55 or 148.6, Iowa Code chapter 272C, and 653—Chapter 23.

10.3(11) *Transition from a resident license to a permanent license.* When a resident physician receives a permanent Iowa license, the resident physician license shall immediately become inactive.

[ARC 0216C, IAB 7/25/12, effective 8/29/12]

653—10.4(147,148) Special licensure.

10.4(1) General provisions.

a. The board may grant a special license to a physician who is an academic staff member of a college of medicine or osteopathic medicine if that physician does not meet the qualifications for permanent licensure, but is held in high esteem for unique contributions the individual has made to medicine and will make by practicing in Iowa. The license is not designed for physicians in regular faculty positions that could be filled by a physician qualified for permanent licensure in Iowa or for the

purpose of training the physician who receives the license, i.e., participating in a fellowship of any kind. The board will consider granting and renewing a special license on a case-by-case basis.

b. A special license may be issued for a period of not more than one year and may be renewed annually prior to expiration. The number of renewals granted by the board is not limited. The renewal of any special license granted for the first time after July 1, 2001, shall be limited to those physicians who continue to meet the requirements of paragraph “a” of this subrule and subrule 10.4(5). Academic institutions are encouraged to assist special licensees in qualifying for permanent licensure if the physician is to remain in Iowa long term.

c. A special license shall specifically limit the licensee to practice at the medical college and at any health care facility affiliated with the medical college.

d. A special license shall automatically be placed on inactive status when the licensee discontinues service on the academic medical staff for which the special license was granted.

e. The board may cancel a special license if the licensee has practiced outside the scope of this license or for any of the grounds for which licensure may be revoked or suspended as specified in Iowa Code sections 147.55, 148.6, and 272C.10 and 653—Chapter 23. When cancellation of such a license is proposed, the board shall promptly notify the licensee by sending a statement of charges and notice of hearing by certified mail to the last-known address of the licensee. This contested case proceeding shall be governed by the provisions of 653—Chapter 25.

f. A special physician licensee shall notify the board of any change in home address or the address of the place of practice within one month of making an address change.

g. A special physician licensee shall notify the board of any change in name within one month of making the name change. Notification requires a notarized copy of a marriage license or a notarized copy of court documents.

h. A special physician licensee file shall be closed and labeled “deceased” when the board receives a copy of the physician’s death certificate.

i. The board shall accept each 12 months of practice as a special licensee as equivalent to one year of postgraduate training in a hospital-affiliated program approved by the board for the purposes of permanent licensure.

10.4(2) *Special license eligibility.* To be eligible for a special license, an applicant shall meet all of the following requirements:

- a.* Fulfill the application requirements specified in subrule 10.4(3);
- b.* Be at least 21 years of age;
- c.* Be a physician in a medical specialty;
- d.* Present evidence of holding a medical degree from an educational institution that is located in a jurisdiction outside the United States or Canada and that is listed in the Directory of Medical Schools published by the International Medical Education Directory;
- e.* Have completed at least two years of postgraduate education in any jurisdiction;
- f.* Have practiced for five years after postgraduate education;
- g.* Demonstrate English proficiency as set forth in subparagraph 10.4(3) “a”(4); and
- h.* Be licensed in a jurisdiction outside the United States or Canada and present evidence that any licenses held in any jurisdiction are unrestricted.

10.4(3) *Special license application.*

a. Requirements. To apply for a special license an applicant shall:

- (1) Pay a nonrefundable special license fee of \$300 plus the fee identified in 653—subrule 8.4(7) for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks;
- (2) Complete and submit forms provided by the board, including required credentials, documents, a completed fingerprint packet, and a sworn statement by the applicant attesting to the truth of all information provided by the applicant;
- (3) Provide verification of successful completion of a medical degree;
- (4) Demonstrate proficiency in English by providing a valid ECFMG certificate or verification of a passing score on the TSE, the Test of Spoken English, or TOEFL, the Test of English as a Foreign Language, examinations administered by the Educational Testing Service. A passing score on TSE is

a minimum of 50. A passing score on TOEFL is a minimum overall score of 550 on the paper-based TOEFL that was administered on a Friday or Saturday (formerly special or international administration), a minimum overall score of 213 on the computer-administered TOEFL, or a minimum overall score of 79 on the Internet-based examination;

(5) Present a letter from the dean of the medical college in which the applicant will be practicing that indicates all of the following:

1. The applicant has been invited to serve on the academic staff of the medical school and in what capacity;

2. The applicant's qualifications and the unique contributions the applicant has made to the practice of medicine;

3. The unique contributions the applicant is expected to make by practicing in Iowa and how these contributions will serve the public interest of Iowans; and

(6) Present at least two letters of recommendation from universities, other educational institutions, or research facilities that indicate the applicant's noteworthy professional attainment.

b. Application. The application shall request the following information:

(1) Name, date and place of birth, home address, and mailing address;

(2) A photograph of the applicant suitable for positive identification;

(3) A statement listing every jurisdiction in which the applicant is or has been authorized to practice, including license numbers and dates of issuance;

(4) A chronology accounting for all time periods from the date the applicant entered medical school to the date of the application;

(5) A photocopy of the applicant's medical degree issued by an educational institution and a sworn statement from an official of the educational institution certifying the date the applicant received the medical degree and acknowledging what, if any, derogatory comments exist in the institution's record about the applicant. A complete translation of any diploma not written in English shall be submitted;

(6) A statement disclosing and explaining any warnings issued, investigations conducted, or disciplinary actions taken, whether by voluntary agreement or formal action, by a medical or professional regulatory authority, an educational institution, training or research program, or health facility in any jurisdiction;

(7) A statement of the applicant's physical and mental health, including full disclosure and a written explanation of any dysfunction or impairment which may affect the ability of the applicant to engage in practice and provide patients with safe and healthful care;

(8) A statement disclosing and explaining the applicant's involvement in civil litigation related to practice in any jurisdiction. Copies of the legal documents may be requested if needed during the review process;

(9) A statement disclosing and explaining any charge of a misdemeanor or felony involving the applicant filed in any jurisdiction, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; and

(10) A completed fingerprint packet to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed to the applicant.

10.4(4) *Special license application review process.* The process below shall be utilized to review each application for a special license.

a. An application shall be considered open from the date the application form is received in the board office with the nonrefundable special licensure fee.

b. After reviewing each application, staff shall notify the applicant or the applicant's academic institution about how to resolve any problems identified by the reviewer. The applicant shall provide additional information when requested by staff or the board.

c. If the final review indicates no questions or concerns regarding the applicant's qualifications for licensure, staff may administratively grant a special license.

d. If the final review indicates questions or concerns that cannot be remedied by continued communication with the applicant, the executive director, director of licensure and administration, and

director of legal affairs shall determine if the questions or concerns indicate any uncertainty about the applicant's current qualifications for licensure.

(1) If there is no current concern, staff shall administratively grant a special license.

(2) If any concern exists, the application shall be referred to the committee.

e. Staff shall refer to the committee for review matters which include, but are not limited to, falsification of information on the application, criminal record, substance abuse, questionable competency, physical or mental illness, or educational disciplinary history.

f. If the committee is able to eliminate questions or concerns without dissension from staff or a committee member, the committee may direct staff to grant administratively a special license.

g. If the committee is not able to eliminate questions or concerns without dissension from staff or a committee member, the committee shall recommend that the board:

(1) Request that the applicant appear for an interview;

(2) Grant a special license for practice at the medical college designated in the application;

(3) Grant a license under certain terms and conditions or with certain restrictions;

(4) Request that the applicant withdraw the licensure application; or

(5) Deny a license.

h. The board shall consider applications and recommendations from the committee and shall:

(1) Request that the applicant appear for an interview;

(2) Grant a special license for practice at the medical college designated in the application;

(3) Grant a license under certain terms and conditions or with certain restrictions;

(4) Request that the applicant withdraw the licensure application; or

(5) Deny a license. The board may deny a license for any grounds on which the board may discipline a license. The procedure for appealing a license denial is set forth in 653—9.15(147,148).

10.4(5) *Special license application cycle.* If the applicant does not submit all materials within 90 days of the board's initial request for further information, the application shall be considered inactive. The board office shall notify the applicant of this change in status. An applicant must reapply and submit a new nonrefundable application fee and a new application, documents and credentials.

10.4(6) *Renewal of a special license.*

a. If the special physician licensee has not qualified for and received a permanent license, the board shall send a courtesy renewal notice by regular mail to the licensee's last-known address at least 60 days prior to the expiration date of the special physician license. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive the notice does not relieve the licensee of responsibility for renewing that license.

b. A special physician licensee shall apply for a one-year renewal by submitting the following:

(1) A completed renewal application;

(2) The renewal fee of \$200; and

(3) Evidence of continuing education and training on chronic pain management, end-of-life care, and identifying and reporting abuse.

1. The requirement for continuing education is 20 hours of category 1 credit as specified in 653—Chapter 11.

2. The requirement for training on chronic pain management, end-of-life care, and identifying and reporting abuse is specified in 653—Chapter 11.

The dean of the medical college shall submit a letter that addresses the individual's unique contribution to the practice of medicine in Iowa, how the anticipated contribution will serve the public interest of Iowans, and the need for renewal of this license. For a licensee who received the initial special license prior to July 1, 2001, the only statement needed from the dean is verification of the academic appointment the licensee continues to hold.

c. Failure of the licensee to renew a license within one month of the expiration date shall cause the license to become inactive. A licensee whose license is inactive is prohibited from practice until a new special license is granted according to subrules 10.4(3) and 10.4(4).

[ARC 0216C, IAB 7/25/12, effective 8/29/12]

653—10.5(147,148) Temporary licensure. The board may issue a temporary license authorizing a physician to participate in a board-approved activity in Iowa. Temporary licensure is granted on a case-by-case basis and depends upon the applicant's education and training, experience and licensure status elsewhere and upon the intended use of the temporary license.

10.5(1) General provisions.

a. The temporary license to practice is intended for a physician to participate in a board-approved activity, as defined in rule 653—10.1(147,148), in Iowa that is short-term. Temporary licensure is not intended to be a way for a physician to practice before a permanent license is granted. Temporary licensure is not intended for locum tenens.

b. The board may issue a temporary license authorizing the physician to practice in a board-approved activity. The license may be restricted to the board-approved activity, location(s) or time period of up to one year.

(1) A physician who is granted a temporary license for a board-approved activity may qualify for renewal of that license if the physician needs an extension of the license for the original purpose or to pursue more than one board-approved activity within a year.

(2) A physician who wishes to continue in a board-approved activity in Iowa for short intervals beyond one year is eligible for a temporary license each year after reapplying and qualifying on an annual basis.

c. A physician incidentally called into this state in consultation with a physician and surgeon licensed in this state, as defined in rule 653—10.1(147,148), is not required to obtain a temporary license in Iowa.

d. A physician who seeks to practice in Iowa and does not qualify for a temporary license may be eligible for permanent licensure under 653—Chapter 9.

e. The board may take disciplinary action on a temporary license if the licensee has practiced outside the scope of the temporary license or for any of the grounds for which licensure may be revoked or suspended as specified in Iowa Code sections 147.55, 148.6, and 272C.10 and 653—Chapter 23. Contested case proceedings shall be governed by the provisions of 653—Chapter 25.

f. A physician who holds a temporary license shall notify the board of any change in address within three days of making an address change.

g. A physician who holds a temporary license shall notify the board of any change in name within one month of making the name change. Notification requires a notarized copy of a marriage license or a notarized copy of court documents.

h. The file of a physician who holds a temporary license shall be closed and labeled "deceased" when the board receives a copy of the physician's death certificate.

10.5(2) Eligibility for a temporary license. To be eligible for a temporary license, an applicant shall meet all of the following requirements:

a. Fulfill the requirements specified in subrules 10.5(3) and 10.5(4);

b. Be at least 21 years of age;

c. Hold a medical degree from an educational institution approved by the board (if the applicant is an international medical graduate, the educational institution must be listed in the International Medical Education Directory);

d. Hold a current active, unrestricted license to practice medicine issued by any jurisdiction;

e. Be fluent in the English language;

f. Present a letter justifying the need for temporary licensure from the organization or individual seeking the applicant's participation in a board-approved activity.

10.5(3) Requirements for a temporary license. To apply for a temporary license, an applicant shall complete the requirements in paragraphs "a" and "b":

a. Pay a nonrefundable application fee of \$100 plus the fee identified in 653—subrule 8.4(7) for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI). A physician who is serving as a camp physician and who is not receiving payment other than expenses shall be exempt from the license application fee and the fee for the criminal history background check.

b. Complete and submit forms provided by the board, including required credentials, documents, a completed fingerprint packet and a sworn statement by the applicant attesting to the truth of all information provided by the applicant.

10.5(4) Application. The application shall require the following information:

a. The applicant's full legal name, date and place of birth, home address, mailing address and principal business address;

b. A photograph of the applicant suitable for positive identification;

c. A statement listing every jurisdiction in which the applicant is or has been authorized to practice, including the applicant's license number and date of issuance of the license;

d. A chronology accounting for all time periods from the date the applicant entered medical school to the date of the application;

e. A statement by the applicant that discloses and explains any warnings issued, investigations conducted, or disciplinary actions taken, whether by voluntary agreement or formal action, by a medical or professional regulatory authority, an educational institution, training or research program, or health facility in any jurisdiction;

f. A statement of the applicant's physical and mental health, including full disclosure and a written explanation of any dysfunction or impairment which may affect the ability of the applicant to engage in practice and provide patients with safe and healthful care;

g. A statement disclosing and explaining the applicant's involvement in civil litigation related to practice in any jurisdiction. Copies of the legal documents may be requested if needed during the review process;

h. A statement disclosing and explaining any charge of a misdemeanor or felony involving the applicant, filed in any jurisdiction, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

i. A statement from the applicant that justifies the need for a temporary license, including where the applicant intends to practice and the type of practice involved;

j. A letter from the Iowa organization or individual seeking the applicant's services that explains the need for the applicant's participation in the board-approved activity in Iowa, the time period involved, the scope of practice, and the exact location and facilities where the board-approved activity will occur;

k. For an international medical graduate who does not hold a license in good standing in any United States jurisdiction, a statement, which shall be submitted by the Iowa organization or individual offering the board-approved activity, identifying who the applicant's immediate supervisor will be;

l. For an international medical graduate who does not hold a license in good standing in any United States jurisdiction:

(1) Verification, which shall be submitted from the licensing authority of the country in which the physician is licensed, that the physician has a license in good standing;

(2) Evidence of fluency in the English language;

m. For a resident physician who does not hold a current, active resident or permanent license in the home state of the resident training program, a statement, which shall be submitted by the resident director or individual offering the board-approved activity, identifying who the applicant's immediate supervisor will be.

n. A completed fingerprint packet to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed to the applicant.

10.5(5) Standard application review process for a temporary license. The standard review process shall be utilized to review each application for a temporary license, except that the process identified in subrule 10.5(6) shall be used for any international medical graduate who does not currently hold a license in good standing in any United States jurisdiction or for any physician who seeks temporary licensure for an activity not listed in paragraphs "1" through "6" of the definition of "board-approved activity" in rule 653—10.1(147,148). The standard application review process is as follows:

a. An application shall be considered open from the date the application form and the nonrefundable fees are received in the board office.

b. After reviewing each application, staff shall notify the applicant or designee about how to resolve any problems identified by the reviewer.

c. If the final review indicates no questions or concerns regarding the applicant's qualifications for temporary licensure or the need for a temporary licensee, staff may administratively grant a temporary license to the applicant for a specific activity, location(s) or specified duration based on the nature of the board-approved activity. The license shall not be granted for a period longer than one year.

d. If the final review indicates questions or concerns that cannot be remedied by continued communication with the applicant, then the executive director, the director of licensure and administration, and the director of legal affairs shall determine if the questions or concerns indicate any uncertainty about the applicant's current qualifications for temporary licensure or the organization's or requesting individual's need for a licensee with a temporary license.

(1) If there is no current concern, staff shall administratively grant a temporary license.

(2) If any concern exists, the application shall be referred to the committee.

e. Staff shall refer to the committee for review matters that include, but are not limited to, falsification of information on the application, criminal record, malpractice, substance abuse, competency, physical or mental illness, educational disciplinary history, or questionable need on the part of the organization.

f. If the committee is able to eliminate questions or concerns without dissension from staff or a committee member, the committee may direct staff to administratively grant a temporary license for a specific activity, location(s) or specified duration based on the nature of the board-approved activity.

g. If the committee is not able to eliminate questions or concerns without dissension from staff or a committee member, the committee shall recommend that the board:

(1) Grant a temporary license for a specific activity, location(s) or specified duration based on the nature of the board-approved activity;

(2) Grant a temporary license under certain terms and conditions or with certain restrictions;

(3) Deny a temporary license; or

(4) Request that the applicant withdraw the temporary licensure application.

h. The board shall consider applications and recommendations from the committee and shall:

(1) Grant a temporary license for a specific activity, location(s) or specified duration based on the nature of the board-approved activity;

(2) Grant a temporary license under certain terms and conditions or with certain restrictions;

(3) Request that the applicant withdraw the temporary licensure application. The request shall not imply that the applicant is ineligible for permanent licensure if that application process is pursued; or

(4) Deny a temporary license. The board may deny a temporary license for any grounds on which the board may discipline a license or for lack of need for a physician's services by the organization or individual. The procedure for appealing a license denial is set forth in 653—9.17(147,148).

10.5(6) *Application review process for applicants with certain exceptions.* This application process shall be used to review applications submitted by an international medical graduate who does not currently hold a license in good standing in any United States jurisdiction or by a physician seeking temporary licensure for an activity not listed in paragraphs "1" through "6" of the definition of "board-approved activity" in rule 653—10.1(147,148). Following is the application review process for applicants with exceptions:

a. An application shall be considered open from the date the application form and the nonrefundable fees are received in the board office.

b. After reviewing each application, staff shall notify the applicant or designee about how to resolve any problems identified by the reviewer.

c. If the final review indicates no questions or concerns regarding the applicant's qualifications for temporary licensure or the need for a temporary license, staff shall submit the application to the committee for review and recommendation to the board about whether to grant a temporary license to the physician and whether the license should be granted for a specific activity, location(s) or specified duration based on the nature of the board-approved activity.

d. The board shall consider applications and recommendations from the committee and shall:

- (1) Grant a temporary license for a specific activity, location(s) or specified duration based on the nature of the board-approved activity;
- (2) Grant a temporary license under certain terms and conditions or with certain restrictions;
- (3) Request that the applicant withdraw the temporary licensure application. The request shall not imply that the applicant is ineligible for permanent licensure if that application process is pursued; or
- (4) Deny a temporary license. The board may deny a temporary license for any grounds on which the board may discipline a license or for lack of need for a physician's services by the organization or individual. The procedure for appealing a license denial is set forth in 653—9.17(147,148).

10.5(7) *Temporary license application cycle.* If the applicant does not submit all materials within 90 days of the board's initial request for further information, the application shall be considered inactive. The board office shall notify the applicant of this change in status. An applicant whose application is inactive must reapply and submit new nonrefundable fees and a new application, documents and credentials if the applicant wishes to pursue temporary licensure.

10.5(8) *Renewal of a temporary license.*

a. When the temporary license is granted, the board shall inform the licensee that the license may be renewed within the year, if the same need for a temporary license continues. The board shall not send a notice of renewal.

b. To apply for renewal of a temporary license, the licensee shall submit the following:

- (1) A request for renewal;
- (2) The renewal fee of \$50; and
- (3) Written justification for the renewal from the organization or individual seeking the applicant.

Failure of the licensee to renew a license by the expiration date shall cause the license to become inactive. The individual shall not practice in Iowa until securing a permanent medical license or until becoming eligible for a second temporary license.

[ARC 0216C, IAB 7/25/12, effective 8/29/12]

653—10.6(17A,147,148,272C) Waiver or variance requests. Waiver or variance requests shall be submitted in conformance with 653—Chapter 3.

These rules are intended to implement Iowa Code chapters 17A, 147, 148, and 272C.

[Filed 5/11/01, Notice 4/4/01—published 5/30/01, effective 7/4/01]

[Filed 3/14/02, Notice 1/23/02—published 4/3/02, effective 5/8/02]

[Filed 4/12/02, Notice 3/6/02—published 5/1/02, effective 6/5/02]

[Filed 6/6/02, Notice 5/1/02—published 6/26/02, effective 7/31/02]

[Filed 10/10/02, Notice 7/10/02—published 10/30/02, effective 12/4/02]

[Filed emergency 2/7/03 after Notice 1/8/03—published 3/5/03, effective 2/7/03]

[Filed 12/4/03, Notice 10/15/03—published 12/24/03, effective 1/28/04]

[Filed 7/16/04, Notice 6/9/04—published 8/4/04, effective 9/8/04]

[Filed 6/17/05, Notice 5/11/05—published 7/6/05, effective 8/10/05]

[Filed emergency 8/30/05 after Notice 7/6/05—published 9/28/05, effective 10/1/05]

[Filed 10/12/06, Notice 8/2/06—published 11/8/06, effective 1/1/07]

[Filed 12/14/06, Notice 11/8/06—published 1/17/07, effective 2/21/07][◇]

[Filed emergency 2/8/07 after Notice 1/3/07—published 2/28/07, effective 3/1/07]

[Filed emergency 11/21/07 after Notice 10/10/07—published 12/19/07, effective 1/1/08]

[Filed 4/3/08, Notice 2/13/08—published 4/23/08, effective 5/28/08]

[Filed 7/24/08, Notice 6/18/08—published 8/13/08, effective 9/17/08]

[Filed 9/18/08, Notice 8/13/08—published 10/8/08, effective 11/12/08]

[Filed ARC 0216C (Notice ARC 0091C, IAB 4/18/12), IAB 7/25/12, effective 8/29/12]

[◇] Two or more ARCs

CHAPTER 11
CONTINUING EDUCATION AND
TRAINING REQUIREMENTS

[Prior to 5/4/88, see 470—135.101 to 470—135.110 and 135.501 to 135.512]

653—11.1(272C) Definitions.

“ABMS” means the American Board of Medical Specialties, which is an umbrella organization for at least 24 medical specialty boards in the United States that assists the specialty boards in developing and implementing educational and professional standards to evaluate and certify physician specialists in the United States. The board recognizes specialty board certification by ABMS.

“Accredited provider” means an organization approved as a provider of category 1 credit by one of the following board-approved accrediting bodies: Accreditation Council for Continuing Medical Education, Iowa Medical Society, or the Council on Continuing Medical Education of the AOA.

“Active licensee” means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in Iowa who has met all conditions of licensure and maintains a current license to practice in Iowa.

“AMA” means the American Medical Association, a professional organization of physicians and surgeons.

“AOA” means the American Osteopathic Association, which is the representative organization for osteopathic physicians (D.O.s) in the United States. The board approves osteopathic medical education programs with AOA accreditation; the board approves AOA-accredited resident training programs in osteopathic medicine and surgery at hospitals for graduates of accredited osteopathic medical schools. The board recognizes specialty board certification by AOA. The board recognizes continuing medical education accredited by the Council on Continuing Medical Education of AOA.

“Approved abuse education training program” means a training program using a curriculum approved by the abuse education review panel of the department of public health or a training program offered by a hospital, a professional organization for physicians, or the department of human services, the department of education, an area education agency, a school district, the Iowa law enforcement academy, an Iowa college or university, or a similar state agency.

“Approved program or credit” means any category 1 credit offered by an accredited provider or any other program or credit meeting the standards set forth in these rules.

“Board” means the Iowa board of medicine.

“Carryover” means hours of category 1 credit earned in excess of the required hours in a license period that may be applied to the continuing education requirement in the subsequent license period; carryover may not exceed 20 hours of category 1 credit per renewal cycle.

“Category 1 credit” means any formal education program which is sponsored or jointly sponsored by an organization accredited for continuing medical education by the Accreditation Council for Continuing Medical Education, the Iowa Medical Society, or the Council on Continuing Medical Education of the AOA that is of sufficient scope and depth of coverage of a subject area or theme to form an educational unit and is planned, administered and evaluated in terms of educational objectives that define a level of knowledge or a specific performance skill to be attained by the physician completing the program. Credits designated as formal cognates by the American College of Obstetricians and Gynecologists or as prescribed credits by the American Academy of Family Physicians are accepted as equivalent to category 1 credits.

“Committee” means the licensure committee of the board.

“COMVEX-USA” means the Comprehensive Osteopathic Medical Variable-Purpose Examination for the United States of America. The National Board of Osteopathic Medical Examiners prepares the examination and determines its passing score. A licensing authority in any jurisdiction administers the examination. COMVEX-USA is the current evaluative instrument offered to osteopathic physicians who need to demonstrate current osteopathic medical knowledge.

“Continuing education” means education that is acquired by a licensee in order to maintain, improve, or expand skills and knowledge present at initial licensure or to develop new and relevant skills and knowledge.

“Hour of continuing education” means a clock hour spent by a licensee in actual attendance at or completion of an approved category 1 credit.

“Inactive license” means any license that is not a current, active license. Inactive license may include licenses formerly known as delinquent, lapsed, or retired. A physician whose license is inactive continues to hold the privilege of licensure in Iowa but may not practice medicine under an Iowa license until the license is reinstated.

“Licensee” means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in the state of Iowa.

“Service charge” means the amount charged for making a service available on line and is in addition to the actual fee for a service itself. For example, one who renews a license on line will pay the license renewal fee and a service charge.

“SPEX” means Special Licensure Examination prepared by the Federation of State Medical Boards and administered by a licensing authority in any jurisdiction. The passing score on SPEX is 75.

“Training for chronic pain management” means required training on chronic pain management identified in 653—Chapter 11.

“Training for end-of-life care” means required training on end-of-life care identified in 653—Chapter 11.

“Training for identifying and reporting abuse” means training on identifying and reporting child abuse or dependent adult abuse required of physicians who regularly provide primary health care to children or adults, respectively. The full requirements on reporting of child abuse and the training requirements are in Iowa Code section 232.69; the full requirements on reporting of dependent adult abuse and the training requirements are in Iowa Code section 235B.16.

[ARC 9601B, IAB 7/13/11, effective 8/17/11; ARC 0217C, IAB 7/25/12, effective 8/29/12]

653—11.2(272C) Continuing education credit and alternatives.

11.2(1) Continuing education credit may be obtained by attending category 1 credits as defined in this chapter.

11.2(2) The board shall accept the following as equivalent to 50 hours of category 1 credit: participation in an approved resident training program or board certification or recertification by an ABMS or AOA specialty board within the licensing period.

11.2(3) The board shall in January of each year recognize the equivalent of up to 10 hours of category 1 credits for physicians who actively served as members or alternate members of the Iowa board of medicine during the previous year; for physicians who actively served as members of the Iowa physician health committee during the previous year; and for physicians who performed peer reviews for the board during the previous year. The physicians receiving recognition of category 1 credit equivalents will be notified by U.S. mail in January by the executive director of the board.

[ARC 0217C, IAB 7/25/12, effective 8/29/12]

653—11.3(272C) Accreditation of providers. The board approves the Accreditation Council for Continuing Medical Education, the Iowa Medical Society, and the Council on Continuing Medical Education of the AOA as organizations acceptable to accredit providers of category 1 credits.

[ARC 0217C, IAB 7/25/12, effective 8/29/12]

653—11.4(272C) Continuing education and training requirements for renewal or reinstatement. A licensee shall meet the requirements in this rule to qualify for renewal of a permanent or special license or reinstatement of a permanent license.

11.4(1) Continuing education and training requirements.

a. Continuing education for permanent license renewal. Except as provided in these rules, a total of 40 hours of category 1 credit or board-approved equivalent shall be required for biennial renewal of

a permanent license. This may include up to 20 hours of credit carried over from the previous license period and category 1 credit acquired within the current license period.

(1) To facilitate license renewal according to birth month, a licensee's first license may be issued for less than 24 months. The number of hours of category 1 credit required of a licensee whose license has been issued for less than 24 months shall be reduced on a pro-rata basis.

(2) A licensee desiring to obtain credit for carryover hours shall report the carryover, not to exceed 20 hours of category 1 credit, on the renewal application.

b. Continuing education for special license renewal. A total of 20 hours of category 1 credit shall be required for annual renewal of a special license. No carryover hours are allowed.

c. Training for identifying and reporting child and dependent adult abuse for permanent or special license renewal. The licensee in Iowa shall complete the training for identifying and reporting child and dependent adult abuse as part of a category 1 credit or an approved training program. The licensee may utilize category 1 credit received for this training during the license period in which the training occurred to meet continuing education requirements in paragraph 11.4(1)"a."

(1) Training to identify child abuse. A licensee who regularly provides primary health care to children in Iowa must complete at least two hours of training in child abuse identification and reporting every five years. "A licensee who regularly provides primary health care to children" means all emergency physicians, family physicians, general practice physicians, pediatricians, and psychiatrists, and any other physician who regularly provides primary health care to children.

(2) Training to identify dependent adult abuse. A licensee who regularly provides primary health care to adults in Iowa must complete at least two hours of training in dependent adult abuse identification and reporting every five years. "A licensee who regularly provides primary health care to adults" means all emergency physicians, family physicians, general practice physicians, internists, obstetricians, gynecologists, and psychiatrists, and any other physician who regularly provides primary health care to adults.

(3) Combined training to identify child and dependent adult abuse. A licensee who regularly provides primary health care to adults and children in Iowa must complete at least two hours of training in the identification and reporting of abuse in dependent adults and children every five years. The training may be completed through separate courses as identified in subparagraphs 11.4(1)"c"(1) and (2) or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. "A licensee who regularly provides primary health care to children and adults" means all emergency physicians, family physicians, general practice physicians, internists, and psychiatrists, and any other physician who regularly provides primary health care to children and adults.

d. Training for chronic pain management for permanent or special license renewal. The licensee shall complete the training for chronic pain management as part of a category 1 credit. The licensee may utilize category 1 credit received for this training during the license period in which the training occurred to meet continuing education requirements in paragraph 11.4(1)"a."

(1) A licensee who regularly provides primary health care to patients in Iowa must complete at least two hours of category 1 credit for chronic pain management every five years. "A licensee who regularly provides primary health care to patients" means all emergency physicians, family physicians, general practice physicians, internists, neurologists, pain medicine specialists, psychiatrists, and any other physician who regularly provides primary health care to patients.

(2) A licensee who had a permanent license on August 17, 2011, has until August 17, 2016, to complete the chronic pain management training, and shall then complete the training once every five years thereafter.

e. Training for end-of-life care for permanent or special license renewal. The licensee shall complete the training for end-of-life care as part of a category 1 credit. The licensee may utilize category 1 credit received for this training during the license period in which the training occurred to meet continuing education requirements in paragraph 11.4(1)"a."

(1) A licensee who regularly provides primary health care to patients in Iowa must complete at least two hours of category 1 credit for end-of-life care every five years. "A licensee who regularly provides primary health care to patients" means all emergency physicians, family physicians, general practice

physicians, internists, neurologists, pain medicine specialists, psychiatrists, and any other physician who regularly provides primary health care to patients.

(2) A licensee who had a permanent license on August 17, 2011, has until August 17, 2016, to complete the end-of-life care training, and shall then complete the training once every five years thereafter.

11.4(2) Exemptions from renewal requirements.

a. A licensee shall be exempt from the continuing education requirements in subrule 11.4(1) when, upon license renewal, the licensee provides evidence for:

(1) Periods that the licensee served honorably on active duty in the military;

(2) Periods that the licensee resided in another state or district having continuing education requirements for the profession and the licensee met all requirements of that state or district for practice therein;

(3) Periods that the licensee was a government employee working in the licensee's specialty and assigned to duty outside the United States; or

(4) Other periods of active practice and absence from the state approved by the board.

b. The requirements for training on identifying and reporting abuse, chronic pain management and end-of-life care for license renewal shall be suspended for a licensee who provides evidence for:

(1) Periods described in subparagraph 11.4(2) "a"(1), (2), (3), or (4); or

(2) Periods that the licensee resided outside of Iowa and did not practice in Iowa.

11.4(3) Extension for completion of or exemption from renewal requirements. The board may, in individual cases involving physical disability or illness, grant an extension of time for completion of, or an exemption from, the renewal requirements in subrule 11.4(1).

a. A licensee requesting an extension or exemption shall complete and submit a request form to the board that sets forth the reasons for the request and has been signed by the licensee and attending physician.

b. The board may grant an extension of time to fulfill the requirements in subrule 11.4(1).

c. The board may grant an exemption from the educational requirements for any period of time not to exceed one calendar year.

d. If the physical disability or illness for which an extension or exemption was granted continues beyond the period of waiver, the licensee must reapply for a continuance of the extension or exemption.

e. The board may, as a condition of any extension or exemption granted, require the applicant to make up a portion of the continuing education requirement by methods it prescribes.

11.4(4) Reinstatement requirement. An applicant for license reinstatement whose license has been inactive for one year or more shall provide proof of successful completion of 80 hours of category 1 credit completed within 24 months prior to submission of the application for reinstatement or proof of successful completion of SPEX or COMVEX-USA within one year immediately prior to the submission of the application for reinstatement.

11.4(5) Cost of continuing education and training for renewal or reinstatement. Each licensee is responsible for all costs of continuing education and training required in 653—Chapter 11.

11.4(6) Documentation. A licensee shall maintain documentation of the continuing education and training requirements in 653—Chapter 11, including dates, subjects, duration of programs, and proof of participation, for five years after the date of the continuing education and training.

11.4(7) Audits. The board may audit continuing education and training documentation at any time within the five-year period. If the board conducts an audit of continuing education and training, a licensee shall respond to the board and provide all materials requested, within 30 days of a request made by board staff or within the extension of time if one has been granted.

11.4(8) Grounds for discipline. A licensee may be subject to disciplinary action for failure to comply with continuing education and training requirements in 653—Chapter 11.

[ARC 9601B, IAB 7/13/11, effective 8/17/11; ARC 0217C, IAB 7/25/12, effective 8/29/12]

653—11.5(272C) Failure to fulfill requirements for continuing education and training for identifying and reporting abuse.

11.5(1) Disagreement over whether material submitted fulfills the requirements specified in rule 653—11.4(272C).

a. Staff will attempt to work with a licensee or applicant to resolve any discrepancy concerning credit for renewal or reinstatement.

b. When resolution is not possible, staff shall refer the matter to the committee.

(1) In the matter of a licensee seeking license renewal, staff shall renew the license if all other matters are in order and inform the licensee that the matter is being referred to the committee.

(2) In the matter of an applicant seeking reinstatement, staff shall reinstate the license if all other matters are in order and inform the applicant that the matter is being referred to the committee.

c. The committee shall consider the staff's recommendation for denial of credit for continuing education or training for identifying and reporting abuse, chronic pain management, and end-of-life care.

(1) If the committee approves the credit, it shall authorize the staff to inform the licensee or applicant that the matter is resolved.

(2) If the committee disapproves the credit, it shall refer the matter to the board with a recommendation for resolution.

d. The board shall consider the committee's recommendations.

(1) If the board approves the credit, it shall authorize the staff to notify the licensee or applicant for reinstatement if all other matters are in order.

(2) If the board denies the credit, it shall:

1. Close the case;

2. Send the licensee or applicant an informal, nonpublic letter of warning, which may include recommended terms for complying with the requirements for continuing education or training; or

3. File a statement of charges for noncompliance with the board's rules on continuing education or training and for any other violations which may exist.

11.5(2) Informal appearance for failure to complete requirements for continuing education or training.

a. The licensee or applicant may, within ten days after the date that the notification of the denial was sent by certified mail, request an informal appearance before the board.

b. At the informal appearance, the licensee or applicant will have the opportunity to present information, and the board will issue a written decision.

[ARC 9601B, IAB 7/13/11, effective 8/17/11; ARC 0217C, IAB 7/25/12, effective 8/29/12]

653—11.6(17A,147,148E,272C) Waiver or variance requests. Waiver or variance requests shall be submitted in conformance with 653—Chapter 3.

These rules are intended to implement Iowa Code chapters 147 and 272C and sections 232.69 and 235B.16.

[Filed 2/5/79, Notice 11/29/78—published 2/21/79, effective 3/29/79]

[Filed 2/27/81, Notice 1/7/81—published 3/18/81, effective 4/22/81]

[Filed 4/9/82, Notice 2/3/82—published 4/28/82, effective 6/2/82]

[Filed 6/14/82, Notice 4/28/82—published 7/7/82, effective 8/11/82]

[Filed 11/5/82, Notice 9/29/82—published 11/24/82, effective 12/29/82]

[Filed emergency after Notice 4/28/83, Notice 2/2/83—published 5/25/83, effective 4/28/83]

[Filed 9/9/83, Notice 8/3/83—published 9/28/83, effective 11/2/83]

[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 3/8/85—published 3/27/85, effective 3/8/85]

[Filed emergency 8/9/85—published 8/28/85, effective 8/9/85]

[Filed 5/30/86, Notice 3/26/86—published 6/18/86, effective 7/23/86]

[Filed emergency 7/25/86—published 8/13/86, effective 7/25/86]

[Filed 9/3/86, Notice 7/16/86—published 9/24/86, effective 10/29/86]

[Filed 10/1/86, Notice 8/13/86—published 10/22/86, effective 11/26/86]

[Filed 1/23/87, Notice 12/17/86—published 2/11/87, effective 3/18/87]
[Filed 9/2/87, Notice 7/29/87—published 9/23/87, effective 10/28/87]
[Filed emergency 4/15/88—published 5/4/88, effective 4/15/88]
[Filed 4/25/89, Notice 2/22/89—published 5/17/89, effective 6/21/89]
[Filed 5/11/90, Notice 3/7/90—published 5/30/90, effective 6/6/90]
[Filed 8/2/90, Notice 5/30/90—published 8/22/90, effective 9/26/90]
[Filed 1/2/91, Notice 11/14/90—published 1/23/91, effective 2/27/91]
[Filed 6/7/91, Notice 5/1/91—published 6/26/91, effective 7/31/91]
[Filed 4/24/92, Notice 2/19/92—published 5/13/92, effective 6/17/92]
[Filed 11/19/93, Notice 10/13/93—published 12/8/93, effective 1/12/94]
[Filed 1/10/94, Notice 11/24/93—published 2/2/94, effective 3/9/94]
[Filed 4/1/94, Notice 2/2/94—published 4/27/94, effective 6/1/94]
[Filed 2/23/96, Notice 9/27/95—published 3/13/96, effective 4/17/96]
[Filed 2/23/96, Notice 1/3/96—published 3/13/96, effective 4/17/96]
[Filed 10/4/96, Notice 4/24/96—published 10/23/96, effective 11/27/96]
[Filed 12/13/96, Notice 10/23/96—published 1/1/97, effective 2/5/97]
[Filed 5/2/97, Notice 3/12/97—published 5/21/97, effective 6/25/97]
[Filed 12/1/97, Notice 9/24/97—published 12/17/97, effective 1/21/98]
[Filed 6/12/98, Notice 4/8/98—published 7/1/98, effective 8/5/98]
[Filed 11/10/99, Notice 9/22/99—published 12/1/99, effective 1/5/00]
[Filed emergency 12/8/99 after Notice 11/3/99—published 12/29/99, effective 12/8/99]
[Filed 11/28/00, Notice 10/18/00—published 12/27/00, effective 1/31/01]
[Filed 12/1/00, Notice 10/18/00—published 12/27/00, effective 1/31/01]
[Filed 5/11/01, Notice 4/4/01—published 5/30/01, effective 7/4/01]
[Filed 2/14/02, Notice 11/28/01—published 3/6/02, effective 4/10/02]
[Filed 4/12/02, Notice 3/6/02—published 5/1/02, effective 6/5/02]
[Filed 6/6/02, Notice 5/1/02—published 6/26/02, effective 7/31/02]
[Filed 12/14/06, Notice 11/8/06—published 1/17/07, effective 2/21/07]
[Filed emergency 2/8/07 after Notice 1/3/07—published 2/28/07, effective 3/1/07]
[Filed 7/24/08, Notice 6/18/08—published 8/13/08, effective 9/17/08]
[Filed 9/18/08, Notice 8/13/08—published 10/8/08, effective 11/12/08]
[Filed ARC 9601B (Notice ARC 9413B, IAB 3/9/11), IAB 7/13/11, effective 8/17/11]
[Filed ARC 0217C (Notice ARC 0092C, IAB 4/18/12), IAB 7/25/12, effective 8/29/12]

PUBLIC SAFETY DEPARTMENT[661]

Rules transferred from agency number 680 to 661 to conform with the reorganization numbering scheme in general

**CHAPTER 1
THE DEPARTMENT**

- 1.1(17A) Establishment of the department of public safety
- 1.2(17A) Organization
- 1.3(17A) Offices
- 1.4(17A) Methods by which and location where the public may obtain information or make submissions or requests
- 1.5 Reserved
- 1.6(17A) Legal advice
- 1.7(17A) Surety companies
- 1.8(17A) Construction of rules

**CHAPTER 2
Reserved****CHAPTER 3
SHERIFF'S UNIFORMS**

- 3.1(17A,331) General provisions
- 3.2(17A,331) Trousers
- 3.3(17A,331) Shirts
- 3.4(17A,331) Hats
- 3.5(17A,331) Ties
- 3.6(17A,331) Raingear
- 3.7(17A,331) Shoes and boots
- 3.8(17A,331) Gloves
- 3.9(17A,331) Jackets
- 3.10(17A,331) Accessories

**CHAPTERS 4 and 5
Reserved****CHAPTER 6
VEHICLE IMPOUNDMENT**

- 6.1(17A,321) Vehicle impoundment
- 6.2(17A,321) Vehicles which may be impounded immediately
- 6.3(17A,321) Vehicles which need not be impounded immediately
- 6.4(17A,321) Impoundment procedure
- 6.5(17A,321) Abandoned vehicles
- 6.6(321) Scope

**CHAPTER 7
Reserved****CHAPTER 8
CRIMINAL JUSTICE INFORMATION**

- 8.1 to 8.100 Reserved

**DIVISION I
IOWA ON-LINE WARRANTS AND ARTICLES SYSTEM**

- 8.101(80,692) Iowa on-line warrants and articles (IOWA) criminal justice information system
- 8.102(80,692) Information available through the IOWA system

8.103(80)	Human immunodeficiency virus-related information
8.104(80,692)	IOWA system security
8.105(80,692)	Subpoenas and court orders

CHAPTER 9

Reserved

CHAPTER 10

PRACTICE AND PROCEDURE BEFORE THE DEPARTMENT OF PUBLIC SAFETY

10.1(17A)	Definitions
10.2 to 10.100	Reserved

DECLARATORY ORDERS

10.101(17A)	Petition for declaratory order
10.102(17A)	Notice of petition
10.103(17A)	Intervention
10.104(17A)	Briefs
10.105(17A)	Inquiries
10.106(17A)	Service and filing of petitions and other papers
10.107(17A)	Consideration
10.108(17A)	Action on petition
10.109(17A)	Refusal to issue order
10.110(17A)	Contents of declaratory order—effective date
10.111(17A)	Copies of orders
10.112(17A)	Effect of a declaratory order
10.113 to 10.200	Reserved

AGENCY PROCEDURE FOR RULE MAKING

10.201(17A)	Applicability
10.202(17A)	Advice on possible rules before notice of proposed rule adoption
10.203(17A)	Public rule-making docket
10.204(17A)	Notice of proposed rule making
10.205(17A)	Public participation
10.206(17A)	Regulatory analysis
10.207(17A,25B)	Fiscal impact statement
10.208(17A)	Time and manner of rule adoption
10.209(17A)	Variance between adopted rule and published notice of proposed rule adoption
10.210(17A)	Exemptions from public rule-making procedures
10.211(17A)	Concise statement of reasons
10.212(17A)	Contents, style, and form of rule
10.213(17A)	Agency rule-making record
10.214(17A)	Filing of rules
10.215(17A)	Effectiveness of rules prior to publication
10.216(17A)	General statements of policy
10.217(17A)	Review by department of rules
10.218(17A)	Petition for rule making
10.219(17A)	Briefs
10.220(17A)	Inquiries
10.221(17A)	Agency consideration
10.222(17A)	Waivers of rules
10.223 to 10.300	Reserved

CONTESTED CASES

10.301(17A)	Scope and applicability
10.302(17A)	Definitions
10.303(17A)	Time requirements
10.304(17A)	Requests for contested case proceeding
10.305(17A)	Notice of hearing
10.306(17A)	Presiding officer
10.307(17A)	Waiver of procedures
10.308(17A)	Telephone proceedings
10.309(17A)	Disqualification
10.310(17A)	Consolidation—severance
10.311(17A)	Pleadings
10.312(17A)	Service and filing of pleadings and other papers
10.313(17A)	Discovery
10.314(17A)	Subpoenas
10.315(17A)	Motions
10.316(17A)	Prehearing conference
10.317(17A)	Continuances
10.318(17A)	Withdrawals
10.319(17A)	Intervention
10.320(17A)	Hearing procedures
10.321(17A)	Evidence
10.322(17A)	Default
10.323(17A)	Ex parte communication
10.324(17A)	Recording costs
10.325(17A)	Interlocutory appeals
10.326(17A)	Final decision
10.327(17A)	Appeals and review
10.328(17A)	Applications for rehearing
10.329(17A)	Stays of agency actions
10.330(17A)	No factual dispute contested cases
10.331(17A)	Emergency adjudicative proceedings
10.332(17A)	Burden of proof

CHAPTERS 11 and 12

Reserved

CHAPTER 13

SPECIAL RAILWAY AGENTS

13.1(17A,80)	Appointment of railway special agents
13.2(17A,80)	Standards
13.3(17A,80)	Training requirements
13.4(17A,80)	Letter of request
13.5(17A,80)	Application form
13.6(17A,80)	Photographs
13.7(17A,80)	Vision classification
13.8(17A,80)	Surety bond
13.9(17A,80)	Background investigation
13.10(17A,80)	Weapons permit
13.11(17A,80)	Renewal of permit
13.12(17A,80)	Weapons training
13.13(17A,80)	Review of application

- 13.14(17A,80) Identification card
- 13.15(17A,80) Notification
- 13.16(17A,80) Notice of termination of employment

CHAPTER 14

Reserved

CHAPTER 15

LAW ENFORCEMENT ADMINISTRATOR'S TELECOMMUNICATIONS ADVISORY COMMITTEE (LEATAC)

- 15.1(693) Establishment of committee
- 15.2(693) Membership of committee
- 15.3(693) Terms of appointment
- 15.4(693) Officers
- 15.5(693) Bylaws
- 15.6(693) Duties

CHAPTER 16

STATE BUILDING CODE—FACTORY-BUILT STRUCTURES

- 16.1 to 16.609 Reserved

PART 1—MODULAR FACTORY-BUILT STRUCTURES

- 16.610(103A) “Modular factory-built structures”
- 16.611 to 16.619 Reserved

PART 2—MANUFACTURED HOUSING

- 16.620(103A) Manufactured home construction
- 16.621(103A) Installation of manufactured homes
- 16.622 Reserved
- 16.623(103A) Installation seal and certificate procedures for manufactured homes
- 16.624 to 16.626 Reserved
- 16.627(103A) Approval of existing manufactured home tie-down systems
- 16.628(103A) Procedure for governmental subdivisions for installation of factory-built structures
- 16.629(103A) Support and anchoring systems submission

CHAPTER 17

Reserved

CHAPTER 18

PARKING FOR PERSONS WITH DISABILITIES

- 18.1(321L) Scope
- 18.2(321L) Location
- 18.3(321L) Dimensions
- 18.4(321L) Access aisles and loading zones
- 18.5(321L) Designation
- 18.6(321L) Numbers of parking spaces for persons with disabilities required in off-street parking facilities
- 18.7(321L) Persons with disabilities parking at residential facilities
- 18.8(321L) On-street parking

CHAPTER 19

Reserved

CHAPTER 20

GOVERNOR'S TRAFFIC SAFETY BUREAU

- 20.1(23USC402,ExecOrd23) Authority
- 20.2(23USC402,ExecOrd23) Purpose
- 20.3(23USC402,ExecOrd23) Responsibilities
- 20.4(23USC402,ExecOrd23) Funding criteria
- 20.5(23USC402,ExecOrd23) Program requirements

CHAPTERS 21 to 27

Reserved

CHAPTER 28

MARIJUANA ERADICATION PROCEDURES

- 28.1(80) Reports of marijuana
- 28.2(80) Cultivated marijuana
- 28.3(80) Uncultivated marijuana
- 28.4(80) Scope and limitation

CHAPTERS 29 to 34

Reserved

CHAPTER 35

COMPLAINTS AGAINST EMPLOYEES

- 35.1(80) Definitions
- 35.2(80) Filing a complaint
- 35.3(80) Notification to complainant

CHAPTERS 36 to 40

Reserved

CHAPTER 41

PAYMENT OF SMALL CLAIMS TO EMPLOYEES

- 41.1(17A,80) Authorization to reimburse

CHAPTERS 42 to 52

Reserved

CHAPTER 53

FIRE SERVICE TRAINING BUREAU

- 53.1(78GA,HF2492) Fire service training bureau
- 53.2(78GA,HF2492) Programs, services, and fees

CHAPTERS 54 to 60

Reserved

CHAPTER 61

REDUCED IGNITION PROPENSITY CIGARETTES

- 61.1(101B) Definitions
- 61.2(101B) Restriction on sale of cigarettes
- 61.3(101B) Test method, performance standard, test report
- 61.4(101B) Alternate test method
- 61.5(101B) Acceptance of alternate test method approved by another state
- 61.6(101B) Retention of reports of testing
- 61.7(101B) Testing performed or sponsored by the department
- 61.8 and 61.9 Reserved

61.10(101B)	Certification and fee
61.11(101B)	Changes to the manufacture of a certified reduced ignition propensity cigarette
61.12(101B)	Notification of certification
61.13(101B)	Marking reduced ignition propensity cigarette packaging
61.14 to 61.19	Reserved
61.20(101B)	Applicability—preemption
61.21(17A)	Violations and penalties

CHAPTERS 62 to 79

Reserved

CHAPTER 80

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

80.1(17A,22)	Definition
80.2(17A,22)	Statement of policy
80.3(17A,22)	Requests for access to records
80.4(17A,22)	Procedures for access to confidential records
80.5(17A,22)	Requests for treatment of a record as a confidential record
80.6(17A,22)	Procedure by which a subject may have additions, dissents, or objections entered into the record
80.7(17A,22)	Consent to disclosure by the subject of a confidential record
80.8	Reserved
80.9(17A,22)	Disclosures without the consent of the subject
80.10(17A,22)	Routine use
80.11(17A,22)	Records retention manual
80.12(17A,22)	Data processing system
80.13(22)	Confidential records
80.14(252J)	Release of confidential licensing information for child support recovery purposes
80.15(22,80F)	Release of official photographs of employees

CHAPTER 81

CRIMINAL INTELLIGENCE INFORMATION

81.1(692)	Definitions
81.2(692)	Iowa law enforcement intelligence network (LEIN) information system
81.3(692)	Criminal intelligence file security
81.4(692)	Review of criminal intelligence files—purging
81.5(692)	Subpoenas and court orders

CHAPTER 82

CRIMINAL HISTORY AND FINGERPRINT RECORDS

82.1(690,692)	Records and identification section
82.2(690,692)	Definitions
82.3(690,692)	Tracking criminal history data
82.4 to 82.100	Reserved

DIVISION I
CRIMINAL HISTORY DATA

82.101(690,692)	Release of information
82.102(690,692)	Right of review
82.103(690,692)	Review of record
82.104(17A,690,692)	Inaccuracies in criminal history record
82.105(17A,690,692)	Arresting agency portion of final disposition form
82.106(690,692)	Final disposition form
82.107(692)	Release of information to the public

- 82.108(692) Scope of record checks for non-criminal justice agencies and individuals
- 82.109(692) Fees
- 82.110(17A,22,692) Requests for criminal history data
- 82.111(690) Administrative sanctions
- 82.112(692) Criminal history record checks for qualified entities or authorized agencies
- 82.113 to 82.200 Reserved

DIVISION II
FINGERPRINT RECORDS

- 82.201(17A,690,692) Fingerprint files and crime reports
- 82.202(690) Taking of fingerprints
- 82.203 to 82.300 Reserved

DIVISION III
JUVENILE RECORDS

- 82.301(232) Juvenile fingerprints and criminal histories

CHAPTER 83
IOWA SEX OFFENDER REGISTRY

- 83.1(692A) Sex offender registry established
- 83.2(692A) Definitions
- 83.3(692A) Forms and procedures
- 83.4(692A) Availability of records
- 83.5(692A) Expungement of records

CHAPTERS 84 to 87
Reserved

CHAPTER 88
NOTIFICATION OF LAW ENFORCEMENT AGENCY BY HOSPITAL PRIOR TO DISCHARGE
OF A PERSON WITH SERIOUS MENTAL IMPAIRMENT

- 88.1(229) Notification request

CHAPTER 89
MISSING PERSONS

- 89.1 to 89.99 Reserved

DIVISION I
MISSING PERSON INFORMATION CLEARINGHOUSE

- 89.100(694) Missing person information clearinghouse
- 89.101(694) Administration of missing person information clearinghouse
- 89.102(694) Definitions
- 89.103(694) Program information
- 89.104(694) Prevention and education programs and materials
- 89.105(694) Release of information
- 89.106(694) Dissemination
- 89.107(694) Training
- 89.108 to 89.199 Reserved

DIVISION II
AMBER ALERT PROGRAM

- 89.200(694) AMBER alert program
- 89.201(694) Criteria
- 89.202(694) Activation procedures
- 89.203(694) Alternative alert if criteria are not satisfied

CHAPTER 90

Reserved

CHAPTER 91

WEAPONS AND IOWA PROFESSIONAL PERMITS TO CARRY WEAPONS

- 91.1(724) Definitions
- 91.2(724) Forms
- 91.3(724) Federal and state prohibitions—permit to carry weapons
- 91.4(724) Application procedures for an Iowa professional permit to carry weapons
- 91.5(724) Issuance or denial of application for permit to carry weapons
- 91.6(724) Suspension or revocation of permit to carry weapons
- 91.7(724) Appeals
- 91.8(724) Reports and remittance to the state
- 91.9(724) Offensive weapons as collector's items—method of classification

CHAPTER 92

Reserved

CHAPTER 93

IDENTIFICATION CARDS FOR FORMER PEACE OFFICERS
OF THE IOWA DEPARTMENT OF PUBLIC SAFETY

- 93.1(18USC926C) General provisions
- 93.2(18USC926C) Definitions
- 93.3(18USC926C) Application for former peace officer ID card
- 93.4(18USC926C) Annual firearms qualification—certification card
- 93.5(17A) Appeals

CHAPTER 94

Reserved

CHAPTER 95

DISPOSITION OF SEIZED AND FORFEITED WEAPONS AND AMMUNITION

- 95.1(809,809A) Definitions
- 95.2(809,809A) Ammunition and firearms
- 95.3(809,809A) Firearms inventory
- 95.4(809,809A) Deposit of firearms in the firearms reference file
- 95.5(809,809A) Disposition of firearms (interstate)
- 95.6(809A) Transfer of rifles and shotguns to the department of natural resources
- 95.7(809,809A) Disposition of firearms (intrastate)
- 95.8(809,809A) Final disposition and destruction of firearms
- 95.9(809,809A) Claims
- 95.10(809,809A) Disposition of explosives
- 95.11(809,809A) Disposition of weapons other than firearms and explosives

CHAPTERS 96 to 120

Reserved

CHAPTER 121

BAIL ENFORCEMENT, PRIVATE INVESTIGATION, AND
PRIVATE SECURITY BUSINESSES

- 121.1(80A) Licensing
- 121.2(80A) Definitions
- 121.3(80A) Persons exempt
- 121.4(80A) Licenses

121.5(80A)	License requirements
121.6(80A)	Identification cards
121.7(80A)	License and background investigation fees
121.8(80A)	Display of license
121.9(80A)	Duplicate license
121.10(80A)	License renewal
121.11(80A)	Employee identification cards
121.12(80A)	Badges, uniforms, insignia, patches and hats
121.13(80A)	Advertisement, cards, letterhead and the like
121.14(80A)	Misleading statements
121.15(80A)	Reports
121.16(80A)	Denial, cancellation, suspension, or revocation of a license or identification card
121.17(80A)	Licensee's duty regarding employees
121.18(80A)	Campus weapon requirements
121.19(80A)	Professional permit to carry weapons
121.20(80A)	Appeals
121.21(252J)	Child support collection procedures
121.22(80A)	Continuing education requirements
121.23(80A)	Reciprocity
121.24(80A)	Replacement license

CHAPTERS 122 to 140
Reserved

CHAPTER 141
CLOSED CIRCUIT SURVEILLANCE SYSTEMS

141.1(99F)	Definitions
141.2 and 141.3	Reserved
141.4(99F)	Closed circuit surveillance system
141.5(99F)	Required equipment
141.6(99F)	Required surveillance
141.7(99F)	Equipment in DCI offices
141.8(99F)	Camera lenses
141.9(99F)	Lighting
141.10(99F)	Surveillance room
141.11(99F)	Nongambling hours
141.12(99F)	Waivers from requirements

CHAPTERS 142 to 149
Reserved

CHAPTER 150
DIVISION OF CRIMINAL INVESTIGATION CRIMINALISTICS LABORATORY

150.1(691)	Criminalistics laboratory
150.2(691)	Purpose and scope of work
150.3(691)	Laboratory capabilities
150.4(691)	Evidence submission to the laboratory
150.5(17A,691)	Distribution of reports
150.6(17A,691)	Disposition of evidence

CHAPTERS 151 to 155
Reserved

CHAPTER 156
DNA DATABASE

156.1(81)	Establishment of DNA database
156.2(81)	Definitions
156.3(81)	Administration of DNA database
156.4(81)	Collection of DNA samples
156.5(81)	Submission of DNA samples
156.6(81)	Analysis of DNA samples
156.7(81)	Identification of DNA samples
156.8(81)	Storage of DNA samples
156.9	Reserved
156.10(81)	Expungement of DNA samples

CHAPTER 157
DEVICES AND METHODS TO TEST BODY FLUIDS FOR ALCOHOL OR DRUGS

157.1(321J)	Approval of devices and methods to test for alcohol or drug concentration
157.2(321J)	Evidentiary breath testing
157.3(321J)	Urine collection
157.4(321J)	Submission of samples for alcohol and drug testing to the criminalistics laboratory
157.5(321J)	Preliminary breath screening test
157.6(123)	Chemical test—alcohol concentration—public intoxication
157.7(321J)	Detection of drugs other than alcohol

CHAPTER 158
IGNITION INTERLOCK DEVICES

158.1(321J)	Scope and authority
158.2(321J)	Definitions
158.3(321J)	Approval
158.4(321J)	Revocation of approval
158.5(321J)	Modifications to an approved IID
158.6(321J)	Mandatory operational features
158.7(321J)	IID security
158.8(321J)	IID maintenance and reports
158.9(321J)	Other provisions

CHAPTERS 159 to 173
Reserved

CHAPTER 174
RETAIL SALES OF PSEUDOEPHEDRINE

174.1(81GA,SF169)	Electronic logbooks
174.2(81GA,SF169)	Reporting of civil penalties

CHAPTERS 175 to 199
Reserved

CHAPTER 200
FIRE MARSHAL ADMINISTRATION

200.1(100)	Description
200.2(100)	General administrative procedures
200.3(100)	Building plan approval and plan review fees
200.4(100,101,101A)	Inspections and inspection fees
200.5(100)	Certificates for licensure
200.6(100)	Fire investigations

200.7(100)	Fire drills
200.8(100)	Inspection based on complaint
200.9(100A)	Sharing of insurance company information with the fire marshal
200.10(100A)	Release of information to an insurance company
200.11(100A)	Forms

CHAPTER 201

GENERAL FIRE SAFETY REQUIREMENTS

201.1(100)	Scope
201.2(100)	General provisions
201.3(100)	Electrical installations
201.4(100)	Existing buildings or structures
201.5(100)	Recognition of local fire ordinances and enforcement

CHAPTER 202

REQUIREMENTS FOR SPECIFIC OCCUPANCIES

202.1(100)	Scope
202.2(237)	Facilities in which foster care is provided by agencies to fewer than six children
202.3(137C)	Bed and breakfast inns
202.4	Reserved
202.5(100,135C)	General requirements for small group homes (specialized licensed facilities) licensed pursuant to Iowa Code section 135C.2

CHAPTERS 203 and 204

Reserved

CHAPTER 205

FIRE SAFETY REQUIREMENTS FOR HOSPITALS AND
HEALTH CARE FACILITIES

205.1(100)	Definitions
205.2 to 205.4	Reserved
205.5(100)	Hospitals
205.6 to 205.9	Reserved
205.10(100)	Nursing facilities and hospices
205.11 to 205.14	Reserved
205.15(100)	Intermediate care facilities for the mentally retarded and intermediate care facilities for persons with mental illness
205.16 to 205.19	Reserved
205.20(100)	Ambulatory health care facilities
205.21 to 205.24	Reserved
205.25(100)	Religious nonmedical health care institutions

CHAPTERS 206 to 209

Reserved

CHAPTER 210

SMOKE DETECTORS

210.1(100)	Definitions
210.2(100)	Scope
210.3(100)	General requirements
210.4(100)	Smoke detectors—notice and certification of installation
210.5(100)	Smoke detectors—new and existing construction

CHAPTERS 211 to 220

Reserved

CHAPTER 221

FLAMMABLE AND COMBUSTIBLE LIQUIDS

- 221.1(101) Scope
- 221.2(101) Definitions
- 221.3(101) Flammable and combustible liquids
- 221.4(101) Motor fuel dispensing facilities and repair garages
- 221.5(101) Aircraft fueling
- 221.6(101) Helicopter fueling
- 221.7(101) Fuel-fired appliances
- 221.8(101) Stationary combustion engines and gas turbines

CHAPTERS 222 and 223

Reserved

CHAPTER 224

ABOVEGROUND PETROLEUM STORAGE TANKS

- 224.1(101) Scope
- 224.2(101) Definition
- 224.3(101) Compliance
- 224.4(101) Registration of existing and new tanks—fees
- 224.5(101) Approval of plans
- 224.6(101) Inspections and orders
- 224.7(101) Leaks, spills, or damage
- 224.8(101) Civil penalty
- 224.9(17A,101) Appeals

CHAPTER 225

Reserved

CHAPTER 226

LIQUEFIED PETROLEUM GAS

- 226.1(101) General requirements
- 226.2(101) Transfer into container
- 226.3(101) Prohibition of certain refrigerants
- 226.4(101) Qualifications of personnel
- 226.5(101) Pressure testing
- 226.6(101) Damages—reporting
- 226.7(101) Use of railroad tank cars in stationary service
- 226.8(101) Installation and use of DOT specification MC330 or MC331 cargo tanks in stationary service

CHAPTER 227

Reserved

CHAPTER 228

LIQUEFIED NATURAL GAS

- 228.1(101) Transportation, storage, handling, and use of liquefied natural gas

CHAPTERS 229 and 230

Reserved

CHAPTER 231
MANUFACTURING, STORAGE, HANDLING, AND
USE OF EXPLOSIVE MATERIALS

231.1(101A) Explosive materials

CHAPTERS 232 to 234
Reserved

CHAPTER 235
COMMERCIAL EXPLOSIVE LICENSING

235.1(101A) Licensing program established
235.2(101A) Licenses required
235.3(101A) License application process
235.4(101A) Issuance of commercial explosive business license
235.5(101A) Issuance of individual blaster license
235.6(101A) Inventory and records
235.7(101A,252J) Grounds for suspension, revocation, or denial of commercial explosive licenses;
appeals
235.8(101A,252J) Child support collection procedures
235.9(101A,272D) Suspension or revocation for nonpayment of debts owed state or local government

CHAPTERS 236 to 250
Reserved

CHAPTER 251
FIRE FIGHTER TRAINING AND CERTIFICATION

251.1(100B) Definitions
251.2 to 251.100 Reserved

MINIMUM TRAINING STANDARDS

251.101(100B) Minimum training standard
251.102(100B) Other training
251.103(100B) Continuing training
251.104(100B) Record keeping
251.105 to 251.200 Reserved

FIRE FIGHTER CERTIFICATION

251.201(100B) Fire fighter certification program
251.202(100B) Certification standards
251.203(100B) Fees
251.204(100B) Certification, denial, and revocation of certification

CHAPTERS 252 to 258
Reserved

CHAPTER 259
FIRE FIGHTER TRAINING AND EQUIPMENT FUNDS

259.1 to 259.100 Reserved

DIVISION I
VOLUNTEER FIRE FIGHTER TRAINING AND EQUIPMENT FUND

259.101(17A,77GA,ch1222) Establishment of fund
259.102(17A,77GA,ch1222) Allocations
259.103(17A,77GA,ch1222) Awards to private providers of training
259.104(100B) Paul Ryan memorial fire fighter safety training fund
259.105(80GA,ch1175) Volunteer fire fighter preparedness fund

259.106 to 259.200 Reserved

DIVISION II

FIRE FIGHTING EQUIPMENT REVOLVING LOAN FUND

259.201(80GA,ch177) Fire fighting equipment revolving loan fund
 259.202(80GA,ch177) Purpose and scope
 259.203(80GA,ch177) Definitions
 259.204(80GA,ch177) Application process
 259.205(80GA,ch177) Allowable acquisitions
 259.206(80GA,ch177) Eligibility requirements and restrictions
 259.207(80GA,ch177) Loan origination fee and repayment schedule
 259.208 to 259.300 Reserved

DIVISION III

REGIONAL TRAINING FACILITY FUNDS

259.301(100B) Regional training center program
 259.302(100B) Definitions
 259.303(100B) Availability of funds
 259.304(100B) Application process
 259.305(100B) Processing of submitted applications

CHAPTERS 260 to 274

Reserved

CHAPTER 275

CERTIFICATION OF AUTOMATIC FIRE EXTINGUISHING SYSTEM CONTRACTORS

275.1(100C) Establishment of program
 275.2(100C) Definitions
 275.3(100C) Responsible managing employee
 275.4(100C) Certification requirements
 275.5(100C) Application and fees
 275.6(100C) Complaints
 275.7(100C) Denial, suspension, or revocation of certification; civil penalties; and appeals

CHAPTER 276

LICENSING OF FIRE PROTECTION SYSTEM INSTALLERS AND MAINTENANCE WORKERS

276.1(100D) Establishment of program
 276.2(100D) Definitions
 276.3(100D) Licensing requirements
 276.4(100D) Application and fees
 276.5(100D) Complaints
 276.6(100D) Denial, suspension, or revocation of licensure; civil penalties; appeals

CHAPTER 277

CERTIFICATION OF ALARM SYSTEM CONTRACTORS AND INSTALLERS

277.1(100C) Establishment of program
 277.2(100C) Definitions
 277.3(100C) Responsible managing employee
 277.4(100C) Contractor certification requirements
 277.5(100C) Contractor application and fees
 277.6(100C) Installer certification requirements
 277.7(100C) Installer application and fees
 277.8(100C) Complaints
 277.9(100C) Denial, suspension, or revocation of certification; civil penalties; and appeals

CHAPTERS 278 to 290

Reserved

CHAPTER 291

VOLUNTEER EMERGENCY SERVICES PROVIDER DEATH BENEFITS

- 291.1(100B) Volunteer emergency services provider death benefit program
- 291.2(100B) Eligibility
- 291.3(100B) Determination

CHAPTERS 292 to 299

Reserved

CHAPTER 300

STATE BUILDING CODE—ADMINISTRATION

- 300.1(103A) State building code promulgated
- 300.2(103A) Building code commissioner
- 300.3(103A) Building code advisory council
- 300.4(103A) Plan reviews
- 300.5(103A) Inspections
- 300.6(103A) Local code enforcement

CHAPTER 301

STATE BUILDING CODE—GENERAL PROVISIONS

- 301.1(103A) Scope and applicability
- 301.2(103A) Definitions
- 301.3(103A) General provisions
- 301.4(103A) Mechanical requirements
- 301.5(103A) Electrical requirements
- 301.6(103A) Plumbing requirements
- 301.7(103A) Existing buildings
- 301.8(103A) Residential construction requirements
- 301.9(103A) Fuel gas piping requirements
- 301.10(103A) Transition period

CHAPTER 302

STATE BUILDING CODE—ACCESSIBILITY OF BUILDINGS AND
FACILITIES AVAILABLE TO THE PUBLIC

- 302.1(103A,104A) Purpose and scope
- 302.2(103A,104A) Definitions
- 302.3(103A,104A) Accessibility of buildings and facilities available to the public
- 302.4 to 302.19 Reserved
- 302.20(103A,104A) Making apartments accessible and functional for persons with disabilities

CHAPTER 303

STATE BUILDING CODE—REQUIREMENTS FOR
ENERGY CONSERVATION IN CONSTRUCTION

- 303.1(103A) Scope and applicability of energy conservation requirements
- 303.2(103A) Residential energy code
- 303.3(103A) Adoption of nonresidential energy code
- 303.4(470) Life cycle cost analysis
- 303.5(103A) Energy review fee

CHAPTERS 304 to 309

Reserved

CHAPTER 310
SUSTAINABLE DESIGN STANDARDS

310.1(103A)	Scope and purpose
310.2(103A)	Definitions
310.3(103A)	Submission of projects
310.4(103A)	Sustainable design criteria for residential projects
310.5(103A)	Sustainable design criteria for commercial projects
310.6(103A)	Fees

CHAPTERS 311 to 314
Reserved

CHAPTER 315
WEATHER SAFE ROOMS

315.1(83GA,ch142)	Scope
315.2(83GA,ch142)	Definition
315.3(83GA,ch142)	Requirements

CHAPTERS 316 to 321
Reserved

CHAPTER 322
STATE BUILDING CODE —
MANUFACTURED HOUSING SUPPORT AND ANCHORAGE SYSTEMS

322.1	Reserved
322.2(103A)	Definitions
322.3 to 322.10	Reserved
322.11(103A)	Support and anchorage of manufactured homes
322.12(103A)	Suspension of installation requirements in proclaimed disaster emergencies
322.13 to 322.19	Reserved
322.20(103A)	Fees

CHAPTER 323 TEMPORARY EMERGENCY USE OF FACTORY-BUILT STRUCTURES—COMMERCIAL USE	
323.1(103A)	Temporary factory-built structures for commercial use

CHAPTERS 324 to 349
Reserved

CHAPTER 350 STATE HISTORIC BUILDING CODE	
350.1(103A)	Scope and definition

CHAPTERS 351 to 371
Reserved

CHAPTER 372 MANUFACTURED OR MOBILE HOME RETAILERS, MANUFACTURERS, AND DISTRIBUTORS	
372.1(103A)	Definitions
372.2(103A)	Criteria for obtaining a manufactured or mobile home retailer's license
372.3(103A)	Operation under distinct name
372.4(103A)	Supplemental statements
372.5(103A)	Denial, suspension, or revocation—civil penalties
372.6(103A,321)	Sale or transfer of manufactured or mobile homes

- 372.7(103A) Right of inspection
- 372.8(103A) Criteria for obtaining a manufactured or mobile home manufacturer's or distributor's license
- 372.9(17A,103A) Waivers

CHAPTER 373

Reserved

CHAPTER 374

MANUFACTURED HOUSING INSTALLER CERTIFICATION

- 374.1(103A) Certification program
- 374.2(103A) Certified installer required
- 374.3(103A) Requirements for installer certification
- 374.4(103A) Certification fee
- 374.5(103A) Certification period
- 374.6(103A) Review of application for certification
- 374.7(103A) Certification renewal and continuing education
- 374.8(103A) Suspension or revocation of certification
- 374.9(103A) Civil penalties
- 374.10(103A) Inspections
- 374.11(103A) Temporary certification during proclaimed disaster emergencies

CHAPTERS 375 to 399

Reserved

CHAPTER 400

PEACE OFFICERS' RETIREMENT, ACCIDENT, AND
DISABILITY SYSTEM—GOVERNANCE AND ADMINISTRATION

- 400.1(97A) Establishment of system
- 400.2(97A) Definitions
- 400.3(97A) Governance
- 400.4(97A) Meetings of board of trustees
- 400.5(97A) Administrative support
- 400.6(97A) Forms and information
- 400.7(97A) Annual statements
- 400.8(97A) Books of account
- 400.9(97A) Investments
- 400.10(97A) Medical board

CHAPTER 401

PEACE OFFICERS' RETIREMENT, ACCIDENT, AND
DISABILITY SYSTEM—ADMINISTRATIVE PROCEDURES

- 401.1(97A) Applications
- 401.2(97A) Determination on initial review
- 401.3(97A) Applications for reimbursement for medical attention
- 401.4 to 401.100 Reserved

PROCEDURE FOR RULE MAKING

- 401.101(17A) Applicability
- 401.102(17A) Advice on possible rules before notice of proposed rule adoption
- 401.103(17A) Public rule-making docket
- 401.104(17A) Notice of proposed rule making
- 401.105(17A) Public participation
- 401.106(17A) Regulatory analysis

- 401.107(17A,25B) Fiscal impact statement
- 401.108(17A) Time and manner of rule adoption
- 401.109(17A) Variance between adopted rule and published notice of proposed rule adoption
- 401.110(17A) Concise statement of reasons
- 401.111(17A,97A) Agency rule-making record
- 401.112(17A,97A) Petitions for rule making
- 401.113(17A,97A) Waivers of rules
- 401.114 to 401.200 Reserved

DECLARATORY ORDERS

- 401.201(17A) Petition for declaratory order
- 401.202(17A) Notice of petition
- 401.203(17A) Intervention
- 401.204(17A) Briefs
- 401.205(17A) Inquiries
- 401.206(17A) Service and filing of petitions and other papers
- 401.207(17A) Consideration
- 401.208(17A) Action on petition
- 401.209(17A) Refusal to issue order
- 401.210(17A) Contents of declaratory order—effective date
- 401.211(17A) Copies of orders
- 401.212(17A) Effect of a declaratory order
- 401.213 to 401.300 Reserved

CONTESTED CASES

- 401.301(17A) Contested case proceeding
- 401.302(17A) Discovery
- 401.303(17A) Subpoenas in a contested case
- 401.304(17A) Motions
- 401.305(17A) Settlements
- 401.306(17A) Prehearing conference
- 401.307(17A) Continuances
- 401.308(17A) Withdrawals
- 401.309(17A) Hearing procedures
- 401.310(17A) Evidence
- 401.311(17A) Ex parte communication
- 401.312(17A) Decisions
- 401.313(17A) No factual dispute contested cases
- 401.314(17A) Applications for rehearing

CHAPTER 402

PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM—
ELIGIBILITY, BENEFITS, AND PAYMENTS

- 402.1 to 402.99 Reserved

DIVISION I
ELIGIBILITY

- 402.100(97A) Age of qualification
- 402.101(97A) Date of retirement
- 402.102(97A) Application of Iowa Code Supplement section 97A.6, subsection 12
- 402.103(97A) Date of death
- 402.104(97A) Age of spouse
- 402.105 to 402.199 Reserved

DIVISION II
BENEFITS AND PAYMENTS

402.200(97A)	Computation of average final compensation
402.201(97A)	Workers' compensation—effect on benefit payment
402.202(97A)	Errors in payments
402.203(97A)	Initial benefit for a child
402.204(97A)	Computation for partial month
402.205(97A)	One year of service
402.206(97A)	Termination prior to retirement
402.207(97A)	Optional retirement benefits
402.208(97A)	Options not reversible once payments begin—exceptions
402.209(97A)	Method of calculating annual adjustments when optional retirement benefits are selected
402.210(97A)	Termination of benefits when optional retirement benefits are selected
402.211(97A)	Impact of optional benefit selections on child benefits
402.212(97A)	Method of calculating annual adjustment for members who retire on or after July 1, 2010
402.213(97A)	Method of calculating annual adjustment for members who retired prior to July 1, 2010
402.214(97A)	Determination of survivor's pension
402.215 to 402.299	Reserved

DIVISION III
SERVICE PURCHASES

402.300(97A)	Purchase of eligible service credit
402.301(97A)	Determination of eligible service
402.302(97A)	Determination of cost to member
402.303(97A)	Application process
402.304(97A)	Service adjustment irrevocable
402.305(97A)	Board review
402.306(97A)	Other provisions
402.307(97A)	Purchase of service credit for military service

CHAPTER 403
PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM—
LINE-OF-DUTY DEATH BENEFIT

403.1(97A)	Member death benefit program
403.2(97A)	Application
403.3(97A)	Determination

CHAPTERS 404 to 499
Reserved

CHAPTER 500
ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—
ORGANIZATION AND ADMINISTRATION

500.1(103)	Establishment of program
500.2(103)	Definitions

CHAPTER 501
ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—
ADMINISTRATIVE PROCEDURES

501.1(103)	Board meetings and agenda
501.2 to 501.4	Reserved
501.5(17A)	Waivers

CHAPTER 502
ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—LICENSING
REQUIREMENTS, PROCEDURES, AND FEES

502.1(103)	License categories and licenses required
502.2(103)	License requirements
502.3(103)	License terms and fees
502.4(103)	Disqualifications for licensure
502.5(103)	License application
502.6(103)	Restriction of use of class B licenses by political subdivisions
502.7(103)	Financial responsibility

CHAPTER 503
ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—
COMPLAINTS AND DISCIPLINE

503.1(103)	Complaints
503.2(103)	Discipline
503.3(103)	Action against an unlicensed person
503.4(103)	Appeals
503.5(252J,103)	Suspension or revocation for nonpayment of child support
503.6(103,272D)	Suspension or revocation for nonpayment of debts owed state or local government

CHAPTER 504
STANDARDS FOR ELECTRICAL WORK

504.1(103)	Installation requirements
------------	---------------------------

CHAPTER 505
ELECTRICIAN AND ELECTRICAL CONTRACTOR
LICENSING PROGRAM—EDUCATION

505.1 to 505.100	Reserved
------------------	----------

DIVISION I
POSTSECONDARY ELECTRICAL EDUCATION PROGRAMS

505.101(103)	Program approval
505.102(103)	Standards for postsecondary electrical education programs
505.103 to 505.200	Reserved

DIVISION II
CONTINUING EDUCATION

505.201(103)	Continuing education requirements
505.202(103)	Course approval
505.203(103)	Requirements for continuing education programs

CHAPTERS 506 to 549
Reserved

CHAPTER 550

ELECTRICAL INSPECTION PROGRAM—ORGANIZATION AND ADMINISTRATION

- 550.1(103) Electrical inspection program
- 550.2(103) Communications
- 550.3(103) Organization
- 550.4(103) Qualifications of inspectors
- 550.5(103) Fees

CHAPTER 551

ELECTRICAL INSPECTION PROGRAM—DEFINITIONS

- 551.1(103) Applicability
- 551.2(103) Definitions

CHAPTER 552

ELECTRICAL INSPECTION PROGRAM—PERMITS AND INSPECTIONS

- 552.1(103) Required permits and inspections
- 552.2(103) Request for inspection
- 552.3(103) Scheduling of inspections
- 552.4(103) Report of inspection
- 552.5(103) Appeals

CHAPTER 553

CIVIL PENALTIES

- 553.1(103) Civil penalty—when applicable
- 553.2(103) Civil penalty—notice
- 553.3(103) Civil penalty—appeal

CHAPTERS 554 to 558

Reserved

CHAPTER 559

ELECTRICAL INSPECTION PROGRAM—UTILITY NOTIFICATIONS
AND RESPONSIBILITIES OF UTILITIES

- 559.1(103) Notification of utility

CHAPTERS 560 to 599

Reserved

CHAPTER 600

STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD

- 600.1(80) Establishment of board
- 600.2(80) Definitions
- 600.3(80) Statewide interoperability coordinator
- 600.4(80) Board procedures
- 600.5(80) Administrative procedures
- 600.6(80) Committees
- 600.7(80) Board finances
- 600.8(80) Contracts
- 600.9(80) Competitive grants
- 600.10(80) Additional information

CHAPTER 92
Reserved

CHAPTER 93
IDENTIFICATION CARDS FOR FORMER PEACE OFFICERS
OF THE IOWA DEPARTMENT OF PUBLIC SAFETY

661—93.1(18USC926C) General provisions. It is the policy of the Iowa department of public safety to provide any qualified former peace officer member of the department with a permanent card that identifies the holder as a qualified former law enforcement officer upon separation from employment as a peace officer with the department. These rules provide a procedure for a qualified former member of the department to apply for a new or duplicate former peace officer identification (ID) card after the person is no longer employed by the department as a peace officer, to complete required annual firearms qualification under auspices of the department and receive a card certifying that such required annual firearms qualification has been completed, and to appeal decisions of the department not to issue a former peace officer identification card or an annual firearms qualification card.

[ARC 0218C, IAB 7/25/12, effective 9/1/12]

661—93.2(18USC926C) Definitions. The following definitions apply to rules in this chapter:

“Commissioner” means the commissioner of the Iowa department of public safety.

“Department” means the Iowa department of public safety.

“Duplicate” means a former peace officer identification card issued to replace a lost or destroyed original identification card.

“Former peace officer identification (ID) card” means a photographic identification card issued by the department to a qualified former law enforcement officer with the department.

“Qualified former law enforcement officer” means a person who:

1. Retired or separated in good standing from service with the department as a law enforcement officer; and
2. Was not officially found by a qualified medical professional employed by the department to be unqualified for reasons relating to mental health; and
3. Did not enter into an agreement with the department in which the officer acknowledged that the officer was not qualified for reasons relating to mental health; and
4. Before such retirement or separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and had statutory powers of arrest; and
5. Met one of the following two requirements:
 - Before such retirement or separation, was regularly employed as a law enforcement officer for an aggregate of 10 years or more; or
 - Retired from service with the department, after completing any applicable probationary period of such service, due to an accidental disability, as determined by the board of directors of the Iowa department of public safety peace officers’ retirement, accident, and disability system, pursuant to Iowa Code section 97A.6 and rule 661—401.1(97A).

[ARC 0218C, IAB 7/25/12, effective 9/1/12]

661—93.3(18USC926C) Application for former peace officer ID card.

93.3(1) A qualified former law enforcement officer of the department of public safety may apply for a former peace officer identification card prior to retirement or any time after such retirement becomes effective.

93.3(2) Application shall be made on a form available from the office of the commissioner.

93.3(3) The completed application form may be submitted to the Iowa Department of Public Safety, Office of the Commissioner, 215 East 7th Street, Des Moines, Iowa 50319.

93.3(4) Upon receipt of a completed application, the department shall verify that the applicant met the requirements for issuance of a former peace officer identification card at the time of separation from employment with the department.

93.3(5) If the applicant met all of the requirements for a qualified former law enforcement officer at the time of separation from employment as a peace officer with the department, the application shall

be approved, unless the commissioner is aware of information that would disqualify the applicant which arose from conduct or circumstances which occurred after the time of separation. Issuance of a former peace officer identification card by the department implies no warranty of the continuing eligibility of the former peace officer to carry a concealed weapon pursuant to 18 U.S.C. §926C.

93.3(6) If the applicant did not meet all of the requirements for a qualified former law enforcement officer at the time of separation from employment as a peace officer with the department or if the commissioner is aware of information that would disqualify the applicant based on conduct or circumstances which occurred after separation from the department, then the application shall be denied and the applicant shall be notified of the denial.

93.3(7) The commissioner shall notify an approved applicant and shall provide instructions for completion of the issuance process. Such instructions may include a requirement for the applicant to be present at a time and location designated by the department to be photographed for the identification card.

93.3(8) Issuance of an initial former peace officer identification card shall be at no charge to the qualified former law enforcement officer.

93.3(9) If a qualified former peace officer of the department loses an identification card, or if a card is damaged, a replacement may be issued. The former officer shall notify the office of the commissioner of the loss or damage and may apply for a replacement card. A nonrefundable fee of \$5, to defray expenses of the department, shall be charged for each application for a replacement former peace officer ID card. The fee is payable to the Iowa Department of Public Safety by personal check or money order. If loss of or damage to the former peace officer identification card occurred in an area subject to a formal disaster emergency declaration issued by the governor pursuant to Iowa Code section 29.6 and is attributable to the conditions which led to the disaster emergency declaration, no charge shall apply.

[ARC 0218C, IAB 7/25/12, effective 9/1/12]

661—93.4(18USC926C) Annual firearms qualification—certification card.

93.4(1) Qualified former law enforcement officers with the department of public safety may participate in annual firearms qualification offered by the department and, upon successful completion of the annual firearms qualification, receive proof thereof from the department. A card certifying successful completion of the annual qualification and specifying the date of the qualification shall be issued by the firearms instructor conducting the qualification on behalf of the department to each qualified former law enforcement officer who has successfully completed the qualification. A card certifying successful completion of the qualification shall be issued by department personnel only to a qualified former law enforcement officer with the department who successfully completes the annual firearms qualification under the auspices of the department. Participation in annual firearms qualification offered by the department is restricted to qualified former law enforcement officers with the department who are residents of the state of Iowa at the time of the qualification.

NOTE: Any qualified former law enforcement officer with the department may participate in annual firearms qualification offered by a certified firearms instructor other than under the auspices of the department. A card to certify proof of successful completion of annual firearms qualification may be issued only by the firearms instructor who conducts the qualification.

93.4(2) Annual firearms qualification shall be offered periodically and at various locations in the state to qualified retired and former officers of the department who reside in Iowa. All qualified former law enforcement officers with the department who have provided a current active e-mail address to the department shall be notified by e-mail when firearms qualification or firearms familiarization training is being offered to current peace officer members of the department of public safety. While the department will make a good-faith effort to notify all qualified and former peace officer members of the department who reside in Iowa of the availability of such training, it is the responsibility of each qualified former peace officer member of the department to inquire about such training if the qualified former peace officer wishes to use the qualification or training to obtain the annual certification of firearms qualification required under 18 U.S.C. §926C.

93.4(3) A qualified former law enforcement officer with the department who resides in Iowa shall be offered the opportunity to participate in annual firearms qualification at no cost to the qualified former officer, except that any former officer of the department who participates in annual firearms qualification offered under the auspices of the department shall supply any firearm, ammunition, or equipment required to be used in the qualification.

93.4(4) A qualified former law enforcement officer with the department residing in Iowa who plans to participate in firearms qualification or firearms familiarization training offered by the department should inquire via e-mail to the department prior to the qualification or training as to what information and material the qualified former peace officer is required to provide at the training, and the department will provide notification of this information via return e-mail. An application form for an annual firearms qualification shall be provided electronically to the qualified former peace officer member as an attachment to the e-mail. The qualified former peace officer member shall complete the application form and submit it to the instructor prior to the start of the qualification or training.

93.4(5) An instructor supervising annual qualification or training on behalf of the department shall refuse to admit a former law enforcement officer with the department to the qualification session or training if the former law enforcement officer with the department is not a resident of the state of Iowa at the time of qualification or the instructor knows that the former law enforcement officer with the department does not meet the requirements for possession of a firearm under state or federal law or is otherwise unable to meet the requirements to be a qualified former law enforcement officer under the provisions of 18 U.S.C. §926C. An instructor may refuse to admit any qualified former law enforcement officer with the department to an annual firearms qualification if, in the judgment of the instructor, participation in the session by the qualified former law enforcement officer would be unsafe.

93.4(6) If the qualified former law enforcement officer with the department satisfies the requirements for annual firearms qualification, the instructor shall complete and issue to the qualified former law enforcement officer an annual firearms qualification certification card on a form provided by the department. If the former law enforcement officer with the department fails to attain a qualifying score, the instructor shall so notify the former law enforcement officer with the department.

[ARC 0218C, IAB 7/25/12, effective 9/1/12]

661—93.5(17A) Appeals. Any action taken by the department that adversely affects the applicant may be appealed through the process delineated in 661—Chapter 10.

[ARC 0218C, IAB 7/25/12, effective 9/1/12]

These rules are intended to implement 18 U.S.C. §926C.

[Filed ARC 0218C (Notice ARC 9988B, IAB 2/8/12), IAB 7/25/12, effective 9/1/12]

CHAPTER 94
Reserved

CHAPTER 95
DISPOSITION OF SEIZED AND FORFEITED WEAPONS AND AMMUNITION

[Prior to 5/9/07, see rules 661—4.51(809A) to 661—4.59(809A)]

661—95.1(809,809A) Definitions. The following definitions apply to rules in this chapter:

“*Ammunition reference file*” means the physical collection of ammunition received, collected and maintained by the division of criminal investigation criminalistics laboratory for testing and evaluation purposes.

“*Firearms inventory*” means a listing of firearms received, collected, maintained, and disposed of by the division of criminal investigation criminalistics laboratory and of transactions regarding firearms completed by the laboratory. Firearms in the temporary custody of the laboratory for evidentiary examination are not included in the firearms inventory.

“*Firearms reference file*” means the physical collection of firearms received, collected and maintained by the division of criminal investigation criminalistics laboratory for comparison and identification purposes.

“*Law enforcement purpose*” means use by a peace officer in the execution of the officer’s duties or use in training of peace officers or training offered by law enforcement agencies to peace officers or other persons.

661—95.2(809,809A) Ammunition and firearms. The division of criminal investigation criminalistics laboratory shall examine and evaluate all firearms and ammunition submitted to the laboratory pursuant to Iowa Code section 809A.17. All firearms submitted to the laboratory shall be evaluated and disposed of as provided in Iowa Code sections 809.21 and 809A.17 and these rules. Any ammunition submitted to the laboratory may be entered into the laboratory’s ammunition reference file and may be utilized by the laboratory for testing and evaluation purposes.

661—95.3(809,809A) Firearms inventory. There is established a continuous firearms inventory in the division of criminal investigation criminalistics laboratory. All firearms transactions covered by any of the provisions noted herein, other than receipts and returns of weapons for evidentiary examination, shall be recorded as and made a part of the continuous firearms inventory. Each individual entry in the inventory shall be maintained for a period of no less than 20 years. Inventory entries which refer to firearms retained in the firearms reference file shall be maintained permanently.

661—95.4(809,809A) Deposit of firearms in the firearms reference file. There is established a division of criminal investigation criminalistics laboratory firearms reference file. Firearms submitted to the laboratory, other than firearms submitted solely for evidentiary examination, shall be evaluated as to their possible worth for testing and evaluation purposes. Any firearms deemed useful for such purposes shall be deposited in the firearms reference file.

661—95.5(809,809A) Disposition of firearms (interstate). Any firearm in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 which is not entered into the firearms reference file pursuant to the provisions of rule 661—95.4(809,809A) and which the commissioner of public safety deems appropriate for distribution to other crime laboratories may be offered to them.

[ARC 0219C, IAB 7/25/12, effective 9/1/12]

661—95.6(809A) Transfer of rifles and shotguns to the department of natural resources. Any rifle or shotgun in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 which is not entered in the firearms reference file pursuant to rule 661—95.4(809,809A) or distributed to another crime laboratory pursuant to rule 661—95.5(809,809A) may be transferred to the Iowa department of natural resources for disposition pursuant to the rules of that department.

661—95.7(809,809A) Disposition of firearms (intrastate). Any firearm not entered in the firearms reference file pursuant to rule 661—95.4(809,809A) and still in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17, subsequent to the procedures set out in rules 661—95.5(809,809A) and 661—95.6(809A), shall be evaluated for usefulness to Iowa law enforcement agencies. Any firearm which is deemed suitable for law enforcement purposes may be distributed to an Iowa law enforcement agency which has made a request for such firearm. This distribution shall be made in accordance with the reasonable needs of the requesting agency as determined by the commissioner of public safety. Any firearm received by a law enforcement agency pursuant to this rule is for the internal use of the receiving agency and may not be resold or otherwise distributed outside of the receiving agency, other than to be returned to the division of criminal investigation criminalistics laboratory.

661—95.8(809,809A) Final disposition and destruction of firearms. All firearms in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 which are not disposed of by the procedures provided in rules 661—95.2(809,809A) through 661—95.7(809,809A) shall be destroyed. Destruction shall be accomplished by grinding and chopping at a scrap metal facility or meltdown at a suitable foundry operation. All destruction shall be supervised and conducted by the staff of the division of criminal investigation criminalistics laboratory. Documentation of the destruction of the firearms shall be made in the firearms inventory.

661—95.9(809,809A) Claims. Any disputed claim of ownership or right of possession of a firearm or of ammunition subject to rules 661—95.1(809,809A) through 661—95.8(809,809A) shall be adjudicated in accordance with the procedures regarding contested cases set forth in 661—Chapter 10.

661—95.10(809,809A) Disposition of explosives. Any law enforcement agency in possession of forfeited explosives shall contact the arson and explosives bureau of the fire marshal division for instructions and shall follow the instructions received from the fire marshal division for the disposition of the forfeited explosives.

661—95.11(809,809A) Disposition of weapons other than firearms and explosives. Any law enforcement agency in the possession of a forfeited weapon other than a firearm, ammunition, or explosives may contact the division of criminal investigation criminalistics laboratory for instructions regarding the disposition of the forfeited weapons.

These rules are intended to implement Iowa Code sections 809.21 and 809A.17.

[Filed 4/13/07, Notice 9/27/06—published 5/9/07, effective 7/1/07]

[Filed ARC 0219C (Notice ARC 0098C, IAB 4/18/12), IAB 7/25/12, effective 9/1/12]

CHAPTER 150
DIVISION OF CRIMINAL INVESTIGATION CRIMINALISTICS LABORATORY
[Prior to 11/22/06, see 661—Ch 12]

661—150.1(691) Criminalistics laboratory. The state criminalistics laboratory, created in Iowa Code section 691.1, is located, pursuant to that section, within the division of criminal investigation.

150.1(1) *Identification.* The state criminalistics laboratory shall be known as the division of criminal investigation criminalistics laboratory. Unless the context clearly implies otherwise, the term “laboratory,” when used in this chapter, shall mean the division of criminal investigation criminalistics laboratory.

150.1(2) *Administration.* The laboratory shall be headed by an administrator who shall report to the director of the division of criminal investigation.

150.1(3) *Contact information.*

a. The address of the laboratory for receiving mail or shipped materials is:

Iowa DCI Criminalistics Laboratory
2240 South Ankeny Boulevard
Ankeny, Iowa 50023

b. The telephone number of the laboratory is (515)725-1500.

c. Information regarding the laboratory may be obtained from the department Web site.

NOTE: Currently, information about the laboratory may be found at www.dps.state.ia.us/DCI/Crime_Lab/index.shtml.

661—150.2(691) Purpose and scope of work. The laboratory provides forensic science services to law enforcement agencies within the state of Iowa. The laboratory shall, within its capabilities, conduct analyses and comparative studies on physical evidence to aid in any criminal investigation, when requested by a prosecuting attorney, a medical examiner, or a law enforcement agency.

150.2(1) *Resource or capability limitations.*

a. The laboratory administrator may refuse any request to conduct an analysis when, in the judgment of the administrator, the laboratory is unable to adequately conduct the requested analysis, either because of resource limitations or because the analysis is not within the professional capabilities of laboratory personnel.

b. The laboratory administrator may establish a policy excluding evidence of specific types or evidence arising from certain types of cases from being accepted by the laboratory, if the administrator finds that such a policy is necessary either due to resource constraints, safety concerns, or the professional capabilities of laboratory personnel. Any policy adopted pursuant to this paragraph shall be provided to all county attorneys, medical examiners, and law enforcement agencies within Iowa.

c. If analysis by the laboratory of specific evidence arising from a criminal investigation in Iowa has been excluded pursuant to either paragraph “a” or “b,” the administrator may, at the administrator’s discretion, assist the agency requesting the analysis in locating the services of another laboratory able to perform the requested analysis.

150.2(2) *Exclusion by law.* The laboratory shall only perform analyses which have arisen from, or will aid in, criminal investigations or which are otherwise provided for by law.

661—150.3(691) Laboratory capabilities. The laboratory is capable of performing any forensic scientific analysis for which a laboratory staff member has received appropriate training and for which the necessary equipment and materials are available to the staff member performing the analysis.

The following subrules catalogue and explain specific laboratory capabilities. These descriptions and explanations are provided for informational purposes and in no way limit the authority of the laboratory to perform any analysis for which a staff person is appropriately trained and for which necessary equipment and materials are available. Further information regarding the current forensic science capabilities of the laboratory may be obtained in the Iowa Criminalistics Laboratory Quality Assurance Manual, published by the division of criminal investigation criminalistics laboratory.

150.3(1) *Crime scene response.* The laboratory may assist law enforcement agencies, when appropriate, by responding to a crime scene and may examine, collect and preserve physical evidence.

150.3(2) *Breath alcohol section.* The breath alcohol section provides testing, approval, repair, maintenance and certification of breath testing instruments, provides officer training and certification in the use of evidential breath testing equipment, and provides expert testimony in the area of breath testing instrumentation and the effects of alcohol on the human body.

150.3(3) *Controlled substance identification.* The laboratory will identify and quantify, when appropriate, materials suspected to contain controlled substances, and will identify items of significance recovered from clandestine drug laboratories.

150.3(4) *DNA.* The laboratory will examine evidence for human biological samples and characterize the samples using DNA technologies.

150.3(5) *DNA profiling.* The laboratory will generate and maintain DNA profiles from qualifying offenders.

150.3(6) *Firearms.* The firearms section examines firearms, ammunition and ammunition components to determine whether a specific firearm fired a specific bullet or cartridge case or, lacking a specific firearm, to determine the possible type of firearm which could have fired the evidentiary bullets and cartridge cases. The firearms section also reconstructs shooting scenes to determine the distance from the muzzle of the firearm to the target, and examines firearms to determine if they function as designed or have been altered from the original design.

The firearms section also maintains a reference collection of firearms and ammunition for comparison purposes and is responsible for the inventory and destruction of firearms forfeited to the laboratory under the Iowa Code.

150.3(7) *Latent prints and impressions.* The latent prints and impressions section:

- a. Examines evidence for visible or latent prints.
- b. Makes comparisons to known friction skin exemplars of the fingers, palms and soles of the feet.
- c. Examines footwear, tire tracks, and other impression evidence and compares the evidence to known exemplars.

150.3(8) *Photography.* The photography section provides photographic and video processing services, both digital and film-based, required by all divisions of the department of public safety.

150.3(9) *Questioned documents.* The questioned documents section characterizes and compares handwritten and machine-produced documents to determine facts about their origins.

150.3(10) *Tool marks.* The tool marks section examines tools and tool marks to determine whether a specific tool produced a specific mark on an item of evidence or, lacking the tool, what type of tool produced a specific mark.

150.3(11) *Toxicology.* The toxicology section examines biological samples for the presence of ethyl alcohol and common drugs of abuse.

150.3(12) *Trace and arson.* The trace and arson section examines submitted materials to characterize, identify, or compare them using various analytical techniques. Examples of materials include but are not limited to: ignitable liquids, glass, paint, soil, building materials, explosives, and fibers.

[ARC 0219C, IAB 7/25/12, effective 9/1/12]

661—150.4(691) Evidence submission to the laboratory.

150.4(1) Evidence may be submitted to the laboratory by:

- a. Any law enforcement agency in Iowa;
 - b. The Iowa department of corrections;
 - c. Any other criminal or juvenile justice agency, with the approval of the laboratory administrator;
- or
- d. Any other state agency, with the approval of the laboratory administrator.

150.4(2) Evidence may be submitted to the laboratory via regular, certified, or registered mail or personal service. Any evidence to be submitted to the laboratory shall be entered electronically into the

laboratory information management system prior to submission. Each entry shall include a description of each item to be submitted and an examination request for each item to be submitted.

NOTE: Access to the laboratory information management system is restricted to authorized users representing agencies authorized to submit evidence to the laboratory. Authorized users should contact the laboratory for instructions regarding access to the system.

150.4(3) Evidence submitted to the laboratory which is not personally delivered shall be packaged in such a manner that laboratory personnel can determine that the package has not been opened while in transit. If the laboratory receives an unsealed or damaged package, the laboratory may refuse to process such evidence, if the integrity of the evidence has been compromised.

[ARC 0219C, IAB 7/25/12, effective 9/1/12]

661—150.5(17A,691) Distribution of reports.

150.5(1) A copy of each completed report of analyses performed by the laboratory shall be provided to the submitting officer and to the prosecuting attorney. The prosecuting attorney shall be responsible for providing copies of any laboratory report to the defendant or defendants as required by law.

150.5(2) Results of laboratory analyses shall not be made available to any unauthorized person or organization.

661—150.6(17A,691) Disposition of evidence.

150.6(1) Evidence will be returned to the submitting agency, unless one of the following conditions applies:

- a.* Retention of the evidence would be beneficial for future laboratory analysis.
- b.* Returning the evidence presents a hazard to health or safety. Any required notice to the defendant of destruction of evidence pursuant to this paragraph is the responsibility of the prosecuting attorney.

150.6(2) Evidence shall not be transferred or submitted to any person or agency other than the submitting agency without an applicable court order, unless authorized by the submitting agency.

These rules are intended to implement Iowa Code chapter 691.

[Filed 6/30/75]

[Filed 4/12/76, Notice 3/8/76—published 5/3/76, effective 6/7/76]

[Filed emergency 6/4/76—published 6/28/76, effective 6/4/76]

[Filed 2/28/78, Notice 1/11/78—published 3/22/78, effective 4/26/78]

[Filed emergency 1/25/79—published 2/21/79, effective 1/25/79]

[Filed 6/7/79, Notice 5/2/79—published 6/27/79, effective 8/2/79]

[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]

[Filed 11/2/06, Notice 9/13/06—published 11/22/06, effective 1/1/07]

[Filed ARC 0219C (Notice ARC 0098C, IAB 4/18/12), IAB 7/25/12, effective 9/1/12]

CHAPTER 156
DNA DATABASE

661—156.1(81) Establishment of DNA database. There is established a DNA database within the division of criminal investigation criminalistics laboratory.

These rules govern the administration of the DNA database and the collection, submission, analysis, identification, storage, disposition, and expungement of DNA records gathered for the DNA database. These rules do not apply to the collection and handling of DNA samples gathered as evidence in the course of criminal investigations.

[ARC 0219C, IAB 7/25/12, effective 9/1/12]

661—156.2(81) Definitions. The following definitions apply to rules 661—156.1(81) through 661—156.10(81):

“*Administrator*” means the administrator of the division of criminal investigation criminalistics laboratory.

“*Commissioner*” means the commissioner of public safety.

“*Database*” means the DNA database located in the division of criminal investigation criminalistics laboratory.

“*Department*” means the Iowa department of public safety.

“*Director*” means the director of the division of criminal investigation.

“*Division*” means the division of criminal investigation (DCI).

“*DNA*” means deoxyribonucleic acid.

“*Expungement*” means the removal of information from the DNA database, effectively severing any ability to link a DNA profile and an individual.

“*Laboratory*” means the division of criminal investigation criminalistics laboratory.

[ARC 0219C, IAB 7/25/12, effective 9/1/12]

661—156.3(81) Administration of DNA database. The DNA database shall be under the direct supervision of a supervising criminalist employed by the laboratory and designated by the administrator.

[ARC 0219C, IAB 7/25/12, effective 9/1/12]

661—156.4(81) Collection of DNA samples. Samples of DNA shall be collected from any person required to submit a sample pursuant to the provisions of 2005 Iowa Acts, House File 619.

156.4(1) The sample shall be collected by the agency to which custody or responsibility for supervision has been assigned by the court issuing the sentencing order.

156.4(2) Each DNA sample shall be collected as soon as practical after an agency assumes custody or supervision of the person required to submit the DNA sample and shall be submitted to the laboratory in accordance with rule 661—156.5(81).

156.4(3) Each DNA sample shall be collected using a DNA collection kit provided by the laboratory, following the instructions provided for the kit by the laboratory.

EXCEPTION: A DNA sample may be collected without the use of a DNA collection kit provided by the laboratory. If a sample is collected without the use of a kit, the person submitting the sample shall include a signed and dated statement describing the collection procedure.

[ARC 0219C, IAB 7/25/12, effective 9/1/12]

661—156.5(81) Submission of DNA samples.

156.5(1) All samples collected for inclusion in the DNA database should be submitted to the following address:

Iowa DCI Criminalistics Laboratory
2240 S. Ankeny Boulevard
Ankeny, Iowa 50023-9093

EXCEPTION: Each sample submitted in a package with a preprinted mailing address or with a mailing label with a preprinted address, when such package or label has been provided by the Division of Criminal Investigation Criminalistics Laboratory, shall be mailed to the preprinted address. Any

other sample shall be mailed in accordance with instructions provided by the Division of Criminal Investigation Criminalistics Laboratory.

156.5(2) Each sample submitted shall be accompanied by a completed DNA sample donor identification form included in the DNA collection kit provided by the laboratory. If the sample is submitted without the donor identification form, the sample shall be accompanied by a statement signed and dated by the person submitting it, with at least the following information identifying the subject of the DNA sample: full name, date of birth, and a clear fingerprint. Additional identifying information, such as the social security number of the person providing the sample or identifying numbers assigned by state agencies, shall be provided if available.

[Editorial change: IAC Supplement 6/17/09; **ARC 0219C**, IAB 7/25/12, effective 9/1/12]

661—156.6(81) Analysis of DNA samples. Samples of DNA submitted to the laboratory shall be analyzed by laboratory personnel and the results of the analysis entered into the database in accordance with the provisions of “Quality Assurance Standards for Convicted Offender DNA Databasing Laboratories,” published by the DNA Advisory Board to the Federal Bureau of Investigation, September 1, 2011.

EXCEPTION: Analysis of DNA samples may be conducted by other laboratories under contract with the department, with the approval of the administrator. Any other laboratory conducting analysis of DNA samples for inclusion in the database shall comply with the requirements and procedures to which the division of criminal investigation criminalistics laboratory is subject under this rule.

[**ARC 0219C**, IAB 7/25/12, effective 9/1/12]

661—156.7(81) Identification of DNA samples. Each sample of DNA submitted for inclusion in the database shall be identified by a unique number that will reference the full name of the person whose sample is submitted, the person’s date of birth, and a clear fingerprint taken from the person.

[**ARC 0219C**, IAB 7/25/12, effective 9/1/12]

661—156.8(81) Storage of DNA samples. Samples of DNA submitted for inclusion in the database shall be stored under normal office conditions.

[**ARC 0219C**, IAB 7/25/12, effective 9/1/12]

661—156.9(81GA,HF619) Disposition of DNA samples. Rescinded **ARC 0219C**, IAB 7/25/12, effective 9/1/12.

661—156.10(81) Expungement of DNA samples.

156.10(1) A person whose DNA record has been included in the database may request expungement of the DNA record from the database based upon the reversal on appeal or dismissal of the case of the person’s conviction, adjudication, or civil commitment that caused the submission of the DNA sample. The request shall be in writing and shall include a certified copy of the final court order reversing the conviction, adjudication, or civil commitment; a certified copy of the dismissal; and any other information necessary to ascertain the validity of the request. The request shall clearly state that it is a request to expunge a record from the DNA database and shall state the specific basis for the request.

A request to expunge the DNA record shall be addressed as follows:

Administrator
Iowa DCI Criminalistics Laboratory
2240 S. Ankeny Boulevard
Ankeny, Iowa 50023-9093

156.10(2) Action on expungement request.

a. The laboratory, upon receipt of a written request that validates reversal on appeal of a person’s conviction, adjudication, or commitment, and subsequent dismissal of the case, or upon receipt of a written request by a person who voluntarily submitted a DNA sample pursuant to Iowa Code section 81.3, subsection 3, paragraph “b,” shall expunge all of the DNA records and identifiable information of the person in the database. The person or the person’s representative shall be notified upon completion of such action.

b. If the division determines that the person is otherwise obligated to submit a DNA sample, the DNA record shall not be expunged.

c. If the division denies an expungement request, the division shall notify the person requesting the expungement of the decision not to expunge the DNA record and the reason supporting the decision. A person whose request to expunge a DNA record from the database is denied may appeal that decision to the commissioner within 30 days of the date of the letter communicating the denial. Appeals shall be treated as requests for contested case proceedings, and such proceedings shall be subject to the provisions of rules 661—10.301(17A) through 661—10.332(17A), except that such requests shall be addressed as follows:

Commissioner, Iowa Department of Public Safety
State Public Safety Headquarters Building
215 East 7th Street
Des Moines, Iowa 50319

156.10(3) A DNA record shall not be expunged pursuant to this rule if expungement or destruction of the DNA record would destroy evidence related to another person.

[Editorial change: IAC Supplement 6/17/09; **ARC 0219C**, IAB 7/25/12, effective 9/1/12]

These rules are intended to implement 2005 Iowa Acts, House File 619, division I.

[Filed emergency 6/30/05—published 7/20/05, effective 7/1/05]

[Filed 11/3/05, Notice 7/20/05—published 11/23/05, effective 1/1/06]

[Editorial change: IAC Supplement 6/17/09]

[Filed ARC 0219C (Notice ARC 0098C, IAB 4/18/12), IAB 7/25/12, effective 9/1/12]

CHAPTER 157
DEVICES AND METHODS TO TEST BODY FLUIDS FOR ALCOHOL OR DRUGS

661—157.1(321J) Approval of devices and methods to test for alcohol or drug concentration. The commissioner, by these rules, approves the following devices and methods to take a specimen of a person's breath or urine for the purpose of determining the alcohol or drug concentration.

661—157.2(321J) Evidentiary breath testing.

157.2(1) A breath testing device is a device designed and constructed to measure a subject's breath alcohol concentration by utilizing a sample of the subject's breath.

157.2(2) A peace officer desiring to perform testing of a subject's breath for the purpose of determining the alcohol concentration shall employ, or cause to be used, a breath testing device of a type meeting the minimum performance requirements established in Highway Safety Programs; Model Specifications for Devices to Measure Breath Alcohol, Federal Register, Volume 58, No. 179 (September 17, 1993), pp. 48705-48708. All devices so used must be certified to be in proper working order within a period of one year immediately preceding use according to procedures specified for that device.

157.2(3) The division of criminal investigation criminalistics laboratory shall maintain a list of devices approved by the commissioner of public safety for collection of breath samples for evidentiary purposes. The current list shall be available upon request to the Division of Criminal Investigation Criminalistics Laboratory at 2240 South Ankeny Boulevard, Ankeny, Iowa 50023, or on the Web site of the department of public safety.

157.2(4) The operator of an evidentiary breath testing device shall have been certified as competent in the operation of the breath testing device and shall proceed in accordance with the instructions included in an operating manual furnished by the division of criminal investigation criminalistics laboratory. An operating manual, with number and date, specific to a particular approved device and prepared by the division of criminal investigation criminalistics laboratory shall be available to operators using the device. The current version of the operating manual for each device currently approved for use in Iowa may be obtained by contacting the Division of Criminal Investigation Criminalistics Laboratory at 2240 South Ankeny Boulevard, Ankeny, Iowa 50023, or from the department's Web site.

157.2(5) All certifications of evidentiary breath testing devices shall be made by the division of criminal investigation criminalistics laboratory. All certifications of operators shall be made by the division of criminal investigation criminalistics laboratory or a designee. A designee shall be a person trained and certified by the division of criminal investigation criminalistics laboratory.

[ARC 7529B, IAB 1/28/09, effective 4/1/09; ARC 0219C, IAB 7/25/12, effective 9/1/12]

661—157.3(321J) Urine collection. A peace officer who collects a sample of a subject's urine for the purpose of determining alcohol or drug concentration shall proceed as follows.

157.3(1) The collection shall be made in the presence of a peace officer or other reliable person under the supervision of a peace officer. The peace officer or other person in the presence of the subject shall be of the same gender as the subject.

157.3(2) As soon as practicable, the subject shall urinate into a urine alcohol kit-supplied bottle, cup or other suitable container which is clean, dry, and free from any visible contamination. Anticoagulant and antimicrobial substances in a blood or urine kit do not constitute visible contamination.

157.3(3) The peace officer shall collect a second urine void for alcohol testing in a suitable container which is clean, dry, and free from visible contamination. If a second void cannot be collected, the peace officer shall submit a sample from the first void and shall inform the Iowa division of criminal investigation criminalistics laboratory on the laboratory receipt form that the sample is from a first void. It is not necessary that the subject's bladder be completely emptied.

157.3(4) When collection of the sample for alcohol testing has been completed, the peace officer shall cause a portion of the collected sample to be transferred to a test tube containing 100 milligrams of sodium fluoride and anticoagulant.

157.3(5) A listing of test kits known to meet the requirements of subrules 157.3(2), 157.3(3) and 157.3(4) may be found on the criminalistics laboratory Web site. Any peace officer wishing to use a test kit which is not listed should inquire of the criminalistics laboratory as to whether the other test kit meets the requirements. Any provider of test kits may request the addition of a kit to the list by sending a sample kit to the administrator of the criminalistics laboratory with a cover letter requesting that the kit be added to the list of kits known to meet the requirements of this subrule.

NOTE: The current location of information about test kits on the laboratory Web site is: http://www.dps.state.ia.us/DCI/Crime_Lab/Forensic_Toxicology/index.shtml.

157.3(6) If the peace officer requests additional toxicological testing, the remainder of the sample may be retained in a container and sent for analysis to the Iowa division of criminal investigation criminalistics laboratory.

157.3(7) The peace officer shall label the container showing the date and time the sample was collected and identifying the peace officer, the subject, and the person present during the collection of the sample if other than the peace officer.

661—157.4(321J) Submission of samples for alcohol and drug testing to the criminalistics laboratory. Any sample of urine or blood may be submitted to the division of criminal investigation criminalistics laboratory or other appropriate laboratory via ordinary mail, private courier, or personal delivery.

661—157.5(321J) Preliminary breath screening test.

157.5(1) A peace officer desiring to perform a preliminary screening test of a person's breath shall use a device approved by the division of criminal investigation criminalistics laboratory. Such devices are approved for accuracy and precision using a dry gas standard or breath simulating device. The division of criminal investigation criminalistics laboratory shall employ scientifically established tests or methods appropriate to a particular device in determining whether the device meets an acceptable standard for operation including accuracy, or the laboratory may, at its discretion, accept test results from another laboratory. The standards shall include the requirement that in all cases the device shall indicate the alcohol concentration on a numerical display. Devices shall be of a type that may be calibrated on a monthly basis by officers in the field.

The division of criminal investigation criminalistics laboratory shall maintain a list of devices approved by the commissioner for use as preliminary breath screening devices. The list of currently approved devices is available on the Web site of the department.

157.5(2) Any peace officer using an approved device shall follow the instructions furnished by the manufacturer for use of such a device. The calibration of each unit shall be checked at least once per month, and the device shall be calibrated, if necessary, using a dry gas standard. The officer or officer's department shall maintain a record of each calibration. This record shall include:

- a. The identity of the officer performing the calibration.
- b. The date.
- c. The value and type of standard used.
- d. The unit type and identification number.

661—157.6(123) Chemical test—alcohol concentration—public intoxication. All devices and methods approved in this chapter for the purpose of determining a person's alcohol concentration for evidential purposes under Iowa Code chapter 321J, and the devices otherwise approved in this chapter only for use in performing preliminary breath screening tests, are equally approved for testing to determine alcohol concentration in connection with arrests for public intoxication under Iowa Code section 123.46. The chemical test results shall be expressed in terms of alcohol concentration as defined in Iowa Code section 321J.1.

661—157.7(321J) Detection of drugs other than alcohol.

157.7(1) Adoption of federal standards. Initial test requirements based upon standards adopted by the federal Substance Abuse and Health Services Administration in “Mandatory Guidelines for Federal Workplace Drug Testing Programs,” 73 FR 71858, and displayed in the following table are hereby adopted as standards for determining detectable levels of controlled substances in the division of criminal investigation criminalistics laboratory initial screening for controlled substances detected by the presence of the following: marijuana metabolites, cocaine metabolites, opiate metabolites, acetylmorphine, phencyclidine, and amphetamines. The following table shows the minimum levels of these substances which will result in a finding that a controlled substance is present at a detectable level:

Substance	Minimum Level (ng/ml) ¹
Marijuana metabolites	50
Cocaine metabolites	150
Opiate metabolites codeine/morphine	2000
Acetylmorphine	10
Phencyclidine	25
Amphetamines ² (amphetamine, methamphetamine, and methylenedioxymethamphetamine)	500

¹ “ng/ml” means “nanograms per milliliter.”

² Either a single initial test kit or multiple initial test kits may be used provided that the single test kit detects each target analyte independently at the specified cutoff.

157.7(2) Reserved.

[ARC 0219C, IAB 7/25/12, effective 9/1/12]

These rules are intended to implement Iowa Code section 123.46 and chapter 321J.

[Filed 4/2/07, Notice 9/13/06—published 4/25/07, effective 6/1/07]

[Filed emergency 12/21/07—published 1/16/08, effective 1/1/08]

[Filed ARC 7529B (Notice ARC 7020B, IAB 7/30/08), IAB 1/28/09, effective 4/1/09]

[Filed ARC 0219C (Notice ARC 0098C, IAB 4/18/12), IAB 7/25/12, effective 9/1/12]

CHAPTER 8
SUBSTANTIVE AND INTERPRETIVE RULES

[Prior to 9/24/86 see Industrial Commissioner[500]]

[Prior to 1/29/97 see Industrial Services Division[343]]

[Prior to 7/29/98 see Industrial Services Division[873]Ch 8]

876—8.1(85) Transportation expense. Transportation expense as provided in Iowa Code sections 85.27 and 85.39 shall include but not be limited to the following:

1. The cost of public transportation if tendered by the employer or insurance carrier.
2. All mileage incident to the use of a private auto. The per-mile rate for use of a private auto from August 1, 2005, through June 30, 2006, shall be 40.5 cents. For annual periods beginning July 1, 2006, and thereafter, the per-mile rate shall be the rate allowed by the Internal Revenue Service for the business standard mileage rate in effect on July 1 of each year.
3. Meals and lodging if reasonably incident to the examination.
4. Taxi fares or other forms of local transportation if incident to the use of public transportation.
5. Ambulance service or other special means of transportation if deemed necessary by competent medical evidence or by agreement of the parties.

Transportation expense in the form of reimbursement for mileage which is incurred in the course of treatment or an examination, except under Iowa Code section 85.39, shall be payable at such time as 50 miles or more have accumulated or upon completion of medical care, whichever occurs first. Reimbursement for mileage incurred under Iowa Code section 85.39 shall be paid within a reasonable time after the examination.

The workers' compensation commissioner or a deputy commissioner may order transportation expense to be paid in advance of an examination or treatment. The parties may agree to the advance payment of transportation expense.

This rule is intended to implement Iowa Code sections 85.27 and 85.39.

876—8.2(85) Overtime. The word "overtime" as used in Iowa Code section 85.61 means amounts due in excess of the straight time rate for overtime hours worked. Such excess amounts shall not be considered in determining gross weekly wages within Iowa Code section 85.36. Overtime hours at the straight time rate are included in determining gross weekly earnings.

This rule is intended to implement Iowa Code sections 85.36 and 85.61.

876—8.3 Rescinded, effective July 1, 1982.

876—8.4(85) Salary in lieu of compensation. The excess payment made by an employer in lieu of compensation which exceeds the applicable weekly compensation rate shall not be construed as advance payment with respect to either future temporary disability, healing period, permanent partial disability, permanent total disability or death.

This rule is intended to implement Iowa Code sections 85.31, 85.34, 85.36, 85.37 and 85.61.

876—8.5(85) Appliances. Appliances are defined as hearing aids, corrective lenses, orthodontic devices, dentures, orthopedic braces, or any other artificial device used to provide function or for therapeutic purposes.

Appliances which are for the correction of a condition resulting from an injury or appliances which are damaged or made unusable as a result of an injury or avoidance of an injury are compensable under Iowa Code section 85.27.

876—8.6(85,85A) Calendar days—decimal equivalent. Weekly compensation benefits payable under Iowa Code chapters 85 and 85A are based upon a seven-day calendar week. Each day of weekly compensation benefits due may be paid by multiplying the employee's weekly compensation benefit rate by the decimal equivalents of the number of days as follows:

1 day	=	.143	×	weekly rate
2 days	=	.286	×	weekly rate
3 days	=	.429	×	weekly rate
4 days	=	.571	×	weekly rate
5 days	=	.714	×	weekly rate
6 days	=	.857	×	weekly rate

This rule is intended to implement Iowa Code sections 85.31, 85.33 and 85.34.

876—8.7(86) Short paper. All filings before the workers' compensation commissioner shall be on white paper measuring 8½ inches by 11 inches.

This rule is intended to implement Iowa Code section 86.18.

876—8.8(85,17A) Payroll tax tables. Tables for determining payroll taxes to be used for the period July 1, 2012, through June 30, 2013, are the tables in effect on July 1, 2012, for computation of:

1. Federal income tax withholding according to the percentage method of withholding for weekly payroll period. (Internal Revenue Service, Employer's Supplemental Tax Guide, Publication 15-A [2012].)

2. Iowa Withholding Tax Guide. (Iowa Department of Revenue Iowa Withholding Tax Rate Tables [Effective April 1, 2006].)

3. Social Security and Medicare withholding (FICA) at the rate of 7.65 percent. (Internal Revenue Service, Circular E, Employer's Tax Guide, Publication 15 [2012].)

This rule is intended to implement Iowa Code section 85.61(6).

[ARC 7947B, IAB 7/15/09, effective 7/1/09; ARC 8943B, IAB 7/28/10, effective 7/1/10; ARC 9586B, IAB 6/29/11, effective 7/1/11; ARC 0222C, IAB 7/25/12, effective 7/1/12]

876—8.9(85,86) Exchange of records. Whether or not a contested case has been commenced, upon the written request of an employee or the representative of an employee who has alleged an injury arising out of and in the course of employment, an employer or insurance carrier shall provide the claimant a copy of all records and reports in its possession generated by a medical provider.

Whether or not a contested case has been commenced, upon the written request of the employer or insurance carrier against which an employee has alleged an injury arising out of and in the course of employment, the employee shall provide the employer or insurance carrier with a patient's waiver. See rules 876—3.1(17A) and 876—4.6(85,86,17A) for the waiver form used in contested cases. Claimant shall cooperate with the employer and insurance carrier to provide patients' waivers in other forms and to update patients' waivers where requested by a medical practitioner or institution.

A medical provider or its agent shall furnish an employer or insurance carrier copies of the initial as well as final clinical assessment without cost when the assessments are requested as supporting documentation to determine liability or for payment of a medical provider's bill for medical services. When requested, a medical provider or its agent shall furnish a legible duplicate of additional records or reports. Except as otherwise provided in this rule, the amount to be paid for furnishing duplicates of records or reports shall be the actual expense to prepare duplicates not to exceed: \$20 for 1 to 20 pages; \$20 plus \$1 per page for 21 to 30 pages; \$30 plus \$.50 per page for 31 to 100 pages; \$65 plus \$.25 per page for 101 to 200 pages; \$90 plus \$.10 per page for more than 200 pages, and the actual expense of postage. No other expenses shall be allowed.

EXAMPLE 1. For 7 pages of records the amount to be paid for furnishing duplicates shall not exceed \$20.

EXAMPLE 2. For 28 pages of records the amount to be paid for furnishing duplicates shall not exceed \$28 (\$20 plus (8 times \$1)).

EXAMPLE 3. For 41 pages of records the amount to be paid for furnishing duplicates shall not exceed \$35.50 (\$30 plus (11 times \$.50)).

EXAMPLE 4. For 127 pages of records the amount to be paid for furnishing duplicates shall not exceed \$71.75 (\$65 plus (27 times \$.25)).

EXAMPLE 5. For 210 pages of records the amount to be paid for furnishing duplicates shall not exceed \$91 (\$90 plus (10 times \$.10)).

This rule is intended to implement Iowa Code sections 85.27, 85.31, 85.33 to 85.37, 85.39, 85.61, 86.8, 86.10, 86.18 and 86.39.

876—8.10(85B) Apportionment of age-related loss for occupational hearing loss claims.

8.10(1) *Effective date.* This rule is effective for claims for occupational hearing loss filed on or after July 1, 1998.

8.10(2) *Purpose.* The purposes of this rule are to adopt tables and the method for calculating age-related hearing loss and to adopt a worksheet for apportionment of age-related hearing loss for occupational hearing loss claims.

8.10(3) *Table.* In 1972 the National Institute for Occupational Safety and Health (NIOSH) published the Criteria for a Recommended Standard: Occupational Exposure to Noise (NIOSH Publication No.73-11001). Table B-1, page I-16, provides the Age Corrections Values to be Used for Age Correction of Initial Baseline Audiograms for Males and Table B-2, page I-17, provides the Age Corrections Values to be Used for Age Correction of Initial Baseline Audiograms for Females. These NIOSH tables are used to calculate the correction value for age for males and females for 500, 1000, 2000 and 3000 hertz.

For example, the age correction for a male 21 years of age is 10 decibels at 500 hertz, 5 decibels at 1000 hertz, 3 decibels at 2000 hertz and 4 decibels at 3000 hertz. The correction for age is 5.50 decibels (the sum of 10+5+3+4 divided by 4).

The following table is to be used to determine an employee's age-related change in hearing level during the period of employment. To determine the age-related change in hearing level in decibels during the period of employment, subtract the value shown in the table for the employee's age at the beginning of employment from the value shown in the table for the employee's age on the date of injury.

NOTE: This table should not be used to compute standard threshold shift as required by rules of the Occupational Safety and Health Administration or Iowa occupational safety and health administration.

<u>Age in Years</u>	<u>Correction in dB</u>	
	<u>Males</u>	<u>Females</u>
20 or younger	5.50	7.25
21	5.50	7.75
22	5.50	7.75
23	5.50	8.00
24	5.75	8.00
25	6.00	8.25
26	6.25	8.50
27	6.50	8.75
28	6.75	8.75
29	6.75	8.75
30	6.75	9.00
31	7.25	9.25
32	7.50	9.50
33	7.50	9.75
34	7.75	9.75
35	8.00	10.00
36	8.25	10.25
37	8.75	10.25

<u>Age in Years</u>	<u>Correction in dB</u>	
	<u>Males</u>	<u>Females</u>
38	8.75	10.50
39	9.00	11.00
40	9.00	11.00
41	9.25	11.25
42	10.00	11.50
43	10.25	11.75
44	10.25	12.00
45	10.50	12.25
46	10.75	12.50
47	11.00	12.50
48	11.50	13.00
49	12.00	13.25
50	12.25	13.50
51	12.25	13.75
52	12.75	13.75
53	13.25	14.25
54	13.50	14.50
55	14.00	15.00
56	14.25	15.00
57	14.50	15.25
58	15.25	15.75
59	15.50	16.00
60 or older	16.00	16.25

8.10(4) *Apportionment.* The apportionment of age-related hearing loss shall be made by reducing the total binaural percentage hearing loss as calculated pursuant to Iowa Code section 85B.9(3) by the same percentage as the decibels of age-related change in hearing level occurring during the period of employment bears to the total decibel hearing level in each ear.

Age-related hearing loss is apportioned using the results of the audiogram determined to be the proper audiogram for measurement of the employee's hearing loss on the date of injury by using the following steps:

1. Separately for each ear, compute the average of the employee's decibel hearing levels at 500, 1000, 2000, and 3000 hertz for that ear.
2. Separately for each ear, compute the percentage loss for each ear.
3. Compute the employee's age-related change in hearing level in decibels during the period of employment using the table in subrule 8.10(3).
4. Separately for each ear, divide the result of step 3 by the result of step 1 to compute the age-correction factor for that ear.
5. Separately for each ear, multiply the total percentage hearing loss in that ear calculated pursuant to Iowa Code section 85B.9 by the age-correction factor for that ear.
6. Separately for each ear, subtract the result obtained in step 5 from the total percentage hearing loss in that ear to obtain the age-corrected hearing loss for that ear.
7. Multiply the age-corrected hearing loss in the better ear as calculated in step 6 by 5 and add the percentage hearing loss in the worse ear.
8. Divide the result obtained in step 7 by 6 to obtain the age-corrected binaural percentage hearing loss.

8.10(5) Worksheet. The following worksheet is used to calculate the percentage of age-corrected binaural hearing loss.

APPORTIONMENT OF PERCENT HEARING LOSS FOR AGE		
<u>Left Ear</u> <u>Hearing Level</u>	<u>Frequency</u> <u>in Hertz</u>	<u>Right Ear</u> <u>Hearing Level</u>
1. _____	500	_____
2. _____	1000	_____
3. _____	2000	_____
4. _____	3000	_____
5. _____	total of lines 1 through 4	_____
divide by 4	(divide the "total" by 4)	divide by 4
6. _____	equals average equals	_____
minus 25	subtract "low fence"	minus 25
7. _____	equals "Excess"	_____
multiply by 1.5	multiply % factor	multiply by 1.5
8. _____	equals % loss each ear	_____
(% loss left ear)		(% loss right ear)
9. Age on date of injury	_____	
10. Age at beginning of employment	_____	
11. _____	correction for age on date of injury in dB from table	
	minus	
12. _____	correction for age at beginning of employment in dB from table	
	equals	
13. _____	age-related change in hearing level during employment in dB	
<u>LEFT EAR</u>		<u>RIGHT EAR</u>
Divide age-related change in hearing level from line 13 by average hearing level from line 6		
To obtain		
14. _____	age correction factor	_____
multiply % loss from line 8 by age-correction factor from line 14		
To obtain		
15. _____	deduction for age-correction	_____
subtract line 15 from line 8		
To obtain		
16. _____	age-corrected percent hearing loss	_____
<u>BINAURAL PERCENTAGE LOSS</u>		
17. _____	% loss better ear (smaller amount) from line 16, multiplied by 5	
plus		

18. _____ % loss worse ear (larger amount)
from line 16
19. _____ equals
divided
by 6
equals
20. _____ % age-corrected binaural hearing loss

This rule is intended to implement Iowa Code sections 85B.9A and 86.8.

- [Filed emergency 6/25/76—published 7/12/76, effective 7/1/76]
 [Filed 8/3/77, Notice 6/29/77—published 8/24/77, effective 9/28/77]
 [Filed 9/26/80, Notice 8/20/80—published 10/15/80, effective 11/19/80]
 [Filed emergency 6/18/82—published 7/7/82, effective 7/1/82]
 [Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]
 [Filed emergency 6/22/84—published 7/18/84, effective 7/1/84]
 [Filed emergency 5/31/85—published 6/19/85, effective 7/1/85]
 [Filed 9/4/85, Notice 7/31/85—published 9/25/85, effective 10/30/85]
 [Filed emergency 6/13/86—published 7/2/86, effective 7/1/86]
 [Editorially transferred from [500] to [343] IAC Supp. 9/24/86]
 [Filed emergency 5/22/87—published 6/17/87, effective 7/1/87]
 [Filed emergency 5/31/88—published 6/29/88, effective 7/1/88]
 [Filed emergency 5/12/89—published 5/31/89, effective 7/1/89]
 [Filed emergency 5/31/90—published 6/27/90, effective 7/1/90]
 [Filed emergency 7/1/91—published 7/24/91, effective 7/1/91]
 [Filed emergency 6/5/92—published 6/24/92, effective 7/1/92]
 [Filed 8/13/92, Notice 6/24/92—published 9/2/92, effective 10/7/92]
 [Filed 8/13/92, Notice 7/8/92—published 9/2/92, effective 10/7/92]
 [Filed emergency 5/21/93—published 6/9/93, effective 7/1/93]
 [Filed emergency 6/3/94—published 6/22/94, effective 7/1/94]
 [Filed 1/13/95, Notice 12/7/94—published 2/1/95, effective 3/8/95¹]
 [Filed emergency 5/10/95—published 6/7/95, effective 5/17/95]
 [Filed emergency 7/7/95—published 8/2/95, effective 7/7/95]
 [Filed 4/3/96, Notice 2/14/96—published 4/24/96, effective 7/1/96]
 [Filed emergency 6/11/96—published 7/3/96, effective 7/1/96]
 [Filed 1/10/97, Notice 12/4/96—published 1/29/97, effective 3/5/97]
 [Filed emergency 6/17/97—published 7/16/97, effective 7/1/97]
 [Filed 5/1/98, Notice 3/25/98—published 5/20/98, effective 6/24/98]
 [Filed emergency 6/23/98—published 7/15/98, effective 7/1/98]
 [Filed emergency 6/30/98—published 7/29/98, effective 7/1/98]
 [Filed emergency 7/1/98—published 7/29/98, effective 7/1/98]
 [Filed 1/5/99, Notice 7/29/98—published 1/27/99, effective 3/3/99]
 [Filed emergency 6/25/99—published 7/14/99, effective 7/1/99]
 [Filed 5/12/00, Notice 4/5/00—published 5/31/00, effective 7/5/00]
 [Filed emergency 6/22/00—published 7/12/00, effective 7/1/00]^o
 [Filed 8/17/00, Notice 7/12/00—published 9/6/00, effective 10/11/00]
 [Filed emergency 6/20/01—published 7/11/01, effective 7/1/01]
 [Filed 2/15/02, Notice 1/9/02—published 3/6/02, effective 4/10/02]
 [Filed emergency 4/12/02—published 5/1/02, effective 7/1/02]
 [Filed emergency 6/30/03—published 7/23/03, effective 7/1/03]
 [Filed emergency 6/11/04—published 7/7/04, effective 7/1/04]
 [Filed emergency 6/27/05—published 7/20/05, effective 7/1/05]
 [Filed emergency 7/27/05—published 8/17/05, effective 8/1/05]

[Filed 11/4/05, Notice 9/14/05—published 11/23/05, effective 1/1/06]
[Filed emergency 6/28/06—published 7/19/06, effective 7/1/06]
[Filed emergency 6/15/07—published 7/18/07, effective 7/1/07]
[Filed emergency 6/10/08—published 7/2/08, effective 7/1/08]
[Filed Emergency ARC 7947B, IAB 7/15/09, effective 7/1/09]
[Filed Emergency ARC 8943B, IAB 7/28/10, effective 7/1/10]
[Filed Emergency ARC 9586B, IAB 6/29/11, effective 7/1/11]
[Filed Emergency ARC 0222C, IAB 7/25/12, effective 7/1/12]

◇ Two or more ARCs

¹ Effective date of 343—8.9(85,86), second unnumbered paragraph, delayed 70 days by the Administrative Rules Review Committee at its meeting held February 13, 1995; delay lifted by this Committee May 9, 1995.